

RESOLUTION NO. 14-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL TO A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL FOR DEVELOPMENT OF THE TRUMAN WATERFRONT PARCEL LOCATED IN THE HISTORIC PUBLIC SERVICE AND SEMIPUBLIC SERVICE-1 (HPS-1), HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR), HISTORIC RESIDENTIAL COMMERCIAL CORE -4 (HRCC-4) AND THE HISTORIC NEIGHBORHOOD COMMERCIAL-2 (HNC-2) ZONING DISTRICTS (RE# 00001630-001000, AK 9038855; RE# 00001630-001100, AK#9038866), KEY WEST FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91(A)(2)(b) of the Code of Ordinances allows applicants to request Major Development Plan approval within the Historic District of additions to or reconstruction of equal to or greater than 2,500 square feet of gross floor area; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 20, 2014, resulting in Planning Board Resolution No. 2014-19; and

WHEREAS, pursuant to Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the granting of the Major Development Plan and Conditional Use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

NOW THEREFORE BE IT RESOLVED by the City Commission of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the City Commission grants approval of the application for Major Development Plan, per Section 108-91 of the Code of Ordinances of the City of Key West, Florida, for the development of the Truman Waterfront parcel, located at the Truman Waterfront (RE# 00001630-001000, AK 9038855; RE# 00001630-001100, AK#9038866) in the HPS-1, HRCC-4, HMDR AND HNC-2 zoning districts, as shown in the attached plans dated March 4, 2014, and the revised master plan showing the Navy Access Way as described in condition 2a below, and with the conditions provided in the staff Executive Summary dated May 6, 2014, and specified as follows:

1. That the associated bicycle substitution variance is approved by the Planning Board.

2. Navy:

a. The existing planned shared pedestrian/auto pathway, making use of the existing East Quay, shall be modified to eliminate automobile access, and a drivable access way from the existing Eaton Street easement area southward to and through the parking lot north of Building

103 shall be implemented separately. The easement dedicated to the Navy from Eaton Street to the Quay will be eliminated, and be replaced with an easement for the new access way. This redefined access way will provide the assured and agreed upon vehicular access way for the Navy from the area of the Eaton Street easement southward to the Southard Street extension into the park.

b. The City will continue to coordinate with the Navy during cruise ship operations, including, but not limited to, pedestrian, trolley, bus, Chandler support, and train staging, etc., to ensure that there is no impact to the military mission.

c. The City will continue discussions with the Navy regarding the option of a joint use Entrance Control Point (ECP) structure and any proposed structures in the vicinity of the ECP will be coordinated with the Navy to ensure clear line of site and compliance with Anti-Terrorism Force Protection (ATFP) standoffs and security requirements.

d. A standard operating agreement to define coordination and planning solutions to move military vehicles and equipment through the park complex during urgent or special events shall be concluded before completion of phase 1 construction (road realignment plan) of the Park. This can be assured as a condition of the

Major Development Plan approval through a Memorandum of Agreement.

e. The easements will be reviewed, updated and/or eliminated through coordination with the Navy as part of the Phase 1 construction documents within 180 days of development plan adoption. This approach will ensure the accuracy of the associated surveys and thus the easement documentation.

f. In the event that City and Navy have coordinated the use of City property for special events, the coordination efforts will be done to ensure that military operations are not impacted.

g. Once the lighting plan has been finalized, the City will conduct an informal lighting study with NAS Key West to determine potential impacts to the military mission. Additionally, the City will coordinate the potential impacts of the proposed lighting on the Navigation Range Markers with the Navy Port operations and local Harbor Pilots. The proposed lighting plans will meet Dark Sky standards that require fixtures to focus light on the ground and not spill off the site.

h. After plan adoption the LRA will transmit the development plan for final Navy review subject to the 2002 Quit Claim Deed.

3. An easement is required to be executed with Keys Energy for access to electric poles along Navy boundary on the southern edge of the property.

4. For all elevated structures, areas between the bottom floor of the structure and grade must be buffered by lattice or similar materials approved by the Historic Preservation Planner and fully landscaped.

5. Building construction on the site including the development of the amphitheater, community center and building 103 shall at a minimum be LEED certified consistent with Comprehensive Plan Policy 1-1.1.6 that requires a green building certification.

6. That rainwater be captured from all building roof surfaces into adequate sized containers highest standard and redistributed for onsite irrigation purposes using ARCSA standards.

7. That if permanent irrigation system is required that the system be built to ARCSA standards.

8. Lighting shall be designed to "Dark Sky" lighting standards and shall meet energy efficiency standards established by an accepted third party environmental standard consistent with F.S Chapter 255.2575(2).

9. Tree Commission approval is required for the overall Landscape Plan in addition to each phase of the

removal/relocation and replacement of vegetation based upon the approved Landscape Plan.

10. The complete set of plans dated March 4, 2014 in addition to the revised master plan dated April 11, 2014 are hereby adopted and incorporated herein.

11. That the proposed two way traffic direction on Angela Street be coordinate with the adopted Truman Waterfront Connectivity Plan.

12. Emergency call boxes are distributed throughout the site in coordination with the KWPD.

13. Fire hydrant locations are coordinated with KWFD.

14. Two electric vehicle charging stations are installed at three points within the park.

15. The lease for the restaurant for Building 103 shall contain the following provisions:

a) That the business establish and maintain a marketing plan on order to reduce vehicular trips to the venue promoting multimodal accessibility to the site via website, reservations, etc.

b) That the lessee obtain a Green Business Certification.

c) That the business separate the collection of food waste to be properly composted for the Truman Waterfront Park or for community partner reuse.

d) That the business recycle all materials collected by the City's waste handler.

e) Lessee must obtain a Conditional Approval Permit, subject to annual inspection.

16. That for special events when the bicycle pathway may be occupied by parked vehicles, the event holders are responsible for creating and identifying an alternative multimodal traffic pattern that protects bicyclists and pedestrians within the Park to bicycle racks and the event center.

Section 3. That the timeline for expiration of this Development Plan is hereby extended due to the proposed construction phasing for a maximum of 10 years pursuant to Section 108-203(a). Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 10 years after the date hereof.

Section 4. This Major Development Plan does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held this 6th day of May, 2014.

Authenticated by the presiding officer and Clerk of the Commission on May 9, 2014.

Filed with the Clerk May 9, 2014.

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|----------------------------|------------|
| Mayor Craig Cates | <u>Yes</u> |
| Vice Mayor Mark Rossi | <u>No</u> |
| Commissioner Teri Johnston | <u>Yes</u> |
| Commissioner Clayton Lopez | <u>Yes</u> |
| Commissioner Billy Wardlow | <u>Yes</u> |
| Commissioner Jimmy Weekley | <u>Yes</u> |
| Commissioner Tony Yaniz | <u>No</u> |



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



EXECUTIVE SUMMARY

To: Bogdan Vitas Jr., City Manager

Through: Donald Leland Craig, AICP, Director of Community Development Services, City Planner

From: Nicole Malo, Planner II

Date: May 6, 2014

RE: **Major Development Plan and Conditional Use** – Truman Waterfront (RE#00001630-001000, AK 9038855; RE# 00001630-001100, AK# 9038866) An application for a Major Development Plan and Conditional Use for the development of the Truman Waterfront parcel located in the Historic Public Service and Semipublic Service -1 (HPS-1), Historic Medium Density Residential (HMDR), Historic Residential Commercial Core – 4 (HRCC-4) and the Historic Neighborhood Commercial – 2 (HNC-2) zoning districts pursuant to Section 108-91(A.) (2.) b. and c. and 122-61 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

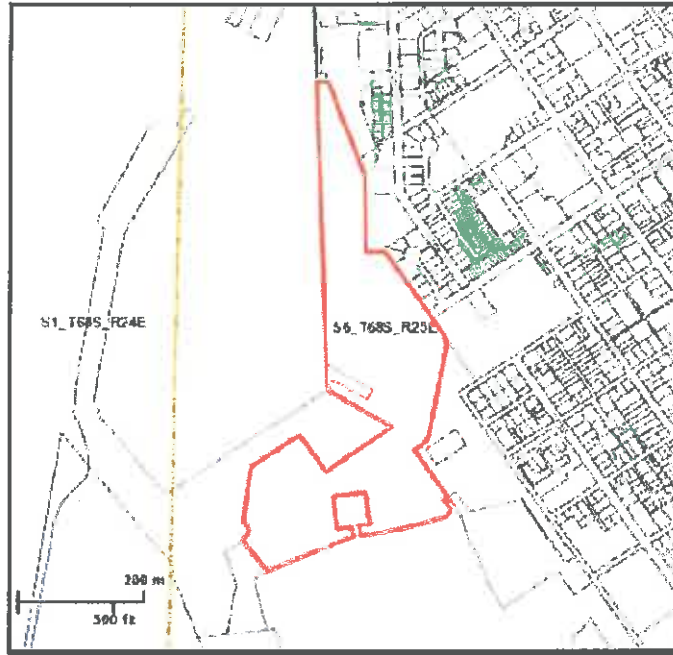
Action Statement

Request: Consideration of the Truman Waterfront Park Master Plan, to develop 28 acres of scarified land transmitted from the US Navy to the City in 2002. The Development Plan establishes development phases for up to 10 years. The Conditional Use request is to use portions of the repurposed historic Navy Building 103 as a restaurant.

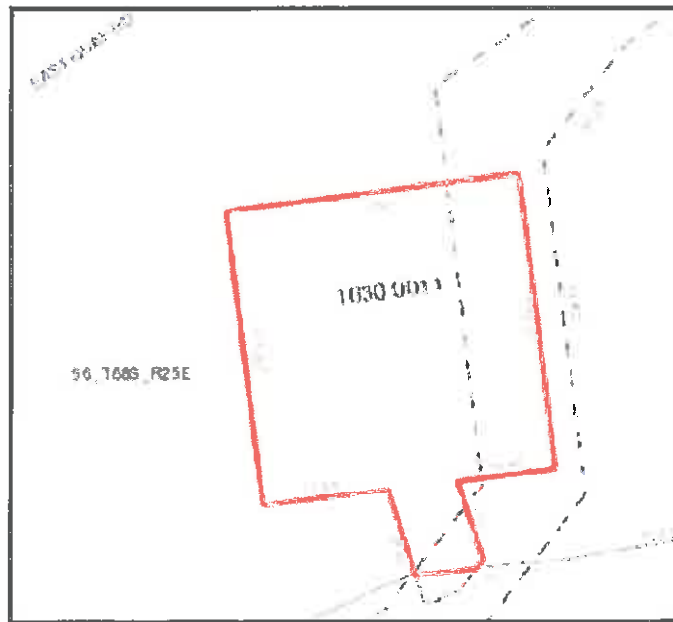
Location: Truman Waterfront Parcel (RE#00001630-001000, AK 9038855; RE# 00001630-001100, AK# 9038866)

Consistency with Strategic Plan:

The development of the proposed Truman Waterfront Master Plan is consistent with Strategic Plan Goal #3 of the Infrastructure element. The goal statement is to provide parks and recreation areas accessible to all residents and visitors and specifically listed is the development of the Truman Waterfront Park.



Property of City of Key West
Parcel ID 00001630-001000, AK 9038855



Property of City of Key West
Parcel ID 00001630-001100, AK# 9038866

Background:

On March 20, 2014 the Planning Board approved the Major Development Plan, Conditional Use and Bicycle Substitution Variance for the Truman Waterfront Park Master Plan with 15 conditions of approval. Subsequently, on April 8, 2014 the Tree Commission approved the Landscape Plan on April 17, 2014, a Landscape Waiver for the number of trees within the parking lot interiors will be reviewed by the Planning Board. Additionally, a meeting was held with City staff and the Navy on April 9, 2014 to coordinate the exact configuration of the proposed Eaton Street Navy access road. The agreed upon location and configuration are described in condition number 2a of this report and shown on the attached Revised Navy Roadway Plan.

The proposed Truman Waterfront Park Master plan is a result of over 15 years of planning with input from the public at community and joint agency meetings, the Navy, the Bahama Village Redevelopment Advisory Committee (BVRAC), the Truman Waterfront Advisory Board (TWAB), and the various City Commissions sitting as the Naval Properties Land Redevelopment Agency (LRA).

The entire property, known as the Truman Waterfront (TW) Parcel, was planned for transfer from the Navy to City ownership through the Base Reuse and Alignment (BRAC) process that began in 1995. As part of the BRAC process in 1997 the BRAC Master Plan was adopted with detailed land uses for the property (Exhibit 1 - 1997 the BRAC Master Plan). To date the 1997 BRAC Master Plan has been used as the backbone that has formed all of the former and current Master Plans. Although the proposed locations for the uses may have migrated around the site, most of the uses contemplated remain within the Master Plan or somewhere on the TW Parcel today. Subsequently in 1999 the Land Development Regulations for the five different zoning districts each with distinct allowed uses and bulk regulations that currently make up the property were adopted from the Base Reuse Plan. The City and Navy then agreed upon and signed a Memorandum of Understanding (MOU), a Memorandum of Agreement and finally the Quit Claim Deed in 2002 and the property was transferred through the Economic Development Conveyance. All three of the agreements contain development restrictions for how the property is to be developed (See Exhibit 2 -2002 MOU and Quit Claim Deed). The proposed Master Plan has been fully coordinated and developed with input from the Naval Air Station Key West office and is in compliance with the land use controls and restrictions listed in the conveyance documents. The original TW Parcel contemplated for transfer was 50 acres; however upon final transfer the battery property along Fort Street and the Mole Pier were withdrawn leaving the 32.31 acres of upland and Marina development rights within Truman Harbor Development Zone to the City. Additionally, since 2013 the Navy has restricted the City's right to construct a marina within the Truman Harbor Development Zone for security and training purposes.

At the October 2, 2007 election the voters of the City of Key West elected to lease 4 acres of the Truman Waterfront Parcel for a mixed income assisted and independent living facility for senior citizens (Resolution 07-09). Subsequently, the City went through the public bidding process and contracted with private developers for the marina and portions of the remaining upland areas (Exhibit 3 - Meisel & Spottswood Conceptual Plan). Other plans were brought forward around this time for the development of the remaining 6.6 acres of the site within the HPS-1, HNC-2 HCL zoning districts that never materialized. It was also at this time that the Bahama Conch Community Land Trust (BCCLT), that managed the Bahama Village Community

Redevelopment Area, which overlaps the boundary of the Truman Waterfront Parcel, was absolved via Resolution 08-225. The following year the Bahama Village Redevelopment Advisory Committee (BVRAC) and the Truman Waterfront Advisory Board (TWAB) were created.

On April 24, 2010, after several plans for the development of the remaining Truman Waterfront (TW) Parcel had failed, including the Meisel & Spottswood plan for the Truman Harbor Marina and upland area, a joint public meeting was held between the BVRAC, TWAB, and the LRA at the Frederic Douglas Gym in Bahama Village to build consensus for the use of the remaining 6.6 acres. The 6.6 acre area was previously considered as a third development site with economic development potential for the Bahama Village Redevelopment Area; although the discussion evolved into consideration of uses for the entire Truman Waterfront Parcel site. A professional mediator facilitated the process and significant input was gathered from the neighbors, community members and government officials. As a result of that meeting the City Commission adopted Resolution 10-265 (Exhibit 4 - Resolution 10-265) containing the Facilitators Summary Report and eleven guidelines for development of the property. Most importantly as a result of the meeting it was decided that the remainder of the TW Parcel not encumbered by the assisted living facility would be planned as a whole. The eleven area development guidelines that were adopted read as follows:

- The 6.6 acres shall be reintegrated with, and considered part of the overall Truman Waterfront.
- Development of the "6.6-acre parcel" is completed to maximize its integration into and for the economic benefit of the adjacent Bahama Village neighborhood.
- The former Navy galley building shall be repaired (Bldg. 1287, 17,500 sq. ft.) or a new one be constructed to house a multi-use community center with possible future expansion capacity.
- Outdoor multiple use recreation complexes shall be created on the Truman Waterfront and shall remain in City ownership and not subject to long term leases. The complexes shall include but not be limited to a multiple purpose recreational field with minimal dimensions of 110 yards by 70 yards but not less than 1.6 acres in size and recreation basketball courts.
- The Truman Waterfront Advisory Board expresses its support for Resolution 09-057.
- Limited commercial areas shall be developed in conjunction with a workforce housing component. The commercial space may be utilized by neighborhood orientated type businesses including but not limited to local artists, fishermen, and entrepreneurs or as an open market space.
- A community park and community garden component shall be created that showcases Key West history and the Key West African American heritage.
- All development shall be constructed in accordance with Florida Statute 255.2575(2).
- Any and all development shall be economically viable and enhance the existing Tax Increment Funding District (TIF), and provide economic opportunities to all the citizens of Key West.
- Development shall encourage access to and use of the property by biking or walking,
- The TWAB recommends that development of this project be a joint effort between both the City and private entities.

Comprehensive Plan Policy 1-1.6.4: Truman Waterfront Organizing Elements supports the above desired uses in addition to providing for all new development and redevelopment within the Truman Waterfront Parcel to be consistent with the following key organizing elements:

1. Recreation and open space linked through landscaped multimodal green ways and view corridors with multiple access points connecting the large park and recreational area on the northwestern portion of the site.
2. Uninterrupted public access to the waterfront through a wide promenade along the full length of the harbor.
3. Landscaped and hardscaped areas which are well-lit and designed to provide a safe area for use by a diverse mix of recreational users.
4. Affordable housing, neighborhood retail and social service uses which function as an extension of the neighborhood fabric of Bahama Village.
5. Educational and historical activity nodes.
6. Expanded use of the portions of the Truman Waterfront property for port activities.
7. Multiple ingress/egress points into the Truman Waterfront property.
8. High profile green design and livability principles, including but not limited to the International Dark Sky Association, the National Complete Streets Coalition, and highest level green building certifications.

As a result the City went through the public procurement process and hired the design consultant of Bermello Ajamil and Partners at the end of 2011 to design a public park. Shortly afterwards in April of 2012 the LRA were presented with several Design Programs for how best to fit the most desired uses within the unique space of the Park. The Design Program Element that was adopted through Resolution 12-129 by the LRA has been used to configure the Master Plan as proposed (Exhibit 5 – Resolution 12-129). Later that summer after design planning and public vetting through the TWAB on July, 2012 (Revised July 25) the Truman Waterfront Park Master Plan was recommended to the LRA for approval by BVRAC and TWAB. On October 18, 2012 the City Commission sitting as the LRA approved the final iteration of the Master Plan (Exhibit 6 - BVRAC, TWAB and LRA Adopted Master Plan. Resolution 12-285). Although not all of the requested Development Guidelines could be fulfilled on the limited Park site, every effort was made to accommodate as many needs as possible while retaining ample open space.

Following the adoption of the Master Plan staff and the design consultants met with public interest groups such as the Arts Council and its subsidiaries, the Police Athletic League and the Police Cavalry Unit, American Youth Soccer Organization (AYSO), the Boys and Girls Club and other afterschool programs, TAMPOA, the State Parks Organization and other adjacent property owners, and relevant City staff to review the Master Plan (Exhibit 7 - Focus Group datum). On January 14, 2013 the consultant submitted an application for Major Development Plan (Exhibit 8 - 2013 Development Plan) and variance request for bicycle substitution to the Planning Department. The Development Review Committee (DRC) reviewed the Major Development Plan and Variance at a special meeting held on January 31, 2013. The plans were amended based on the DRC comments and are also incorporated into this report although no significant concerns were brought up (Exhibit 9 - DRC Minutes 20130131). On March 4, 2013 the Master Plan was transmitted to the Navy, in order to begin a preliminary 90 day review period. The Navy's response was received on June 6, 2013 with twenty comments. The City responded to the Navy's comments on January 31, 2104 (Exhibit 10 - Navy Response Letter and City Response to Navy). The Plans were amended and several conditions proposed as part of this development plan request

to address the Navy's concerns. Coordination efforts have been ongoing regarding the Plans and timeline for adoption. Following adoption the Major Development Plan, Conditional Use and Variance will again be sent to the US Navy for the mandated 90 day review period. With the preliminary 90 day review by the US Navy already completed, the response time and approval for construction is expected to be shortened.

Additionally, as contemplated in the Base Reuse Plan and Master Plan adopted by the LRA, the Land Development Regulations (LDR's) for the Historic Public Service (HPS) zoning district were amended to allow restaurants and food service facilities associated with recreational activities. In addition changes to the HRCC-4 zoning district were adopted to allow Cultural and Civic Uses which were are presently allowed as of right in the PS and HPS zoning districts. The amendments were adopted by the City Commission on December 3, 2013. Concurrently a Comprehensive Plan amendment was also adopted in order to update the land uses allowed within the HRCC-4 land use district to create lower impact uses compatible with public parks. The DEO posted the Final Order for the changes to the comprehensive Plan and LDR's on February 28, 2014 and they are in the final days of the appeal period that will expire by March 21, 2014 (Exhibit 11- DEO Final Order Ordinance 13-25).

Based upon the state review and adoption timeline for the above mentioned Comprehensive Plan and LDR amendments the DRC reviewed the Conditional Use request for the restaurant at a publicly noticed meeting held on March 14, 2014 (Exhibit 12 - DRC Minutes 20140314). The restaurant is proposed to be located in Navy Building 103 with an indoor and outdoor seating area limited to 316 seats. The resulting DRC comments regarding the Conditional Use did not affect the proposed Plans, but have been incorporated into several conditions of approval and described in detail in this report.

More recently, the timeline for contract negotiations for the Assisted Living Facility lapsed and the LRA rejected the ALF lease through Resolution 13-225 freeing up 2.63 acres of the Truman Waterfront Parcel adjacent to Fort Street for possible new development opportunities; although, the redevelopment of the site is not contemplated as part of this master plan. Also apart from this Master Plan approval process but adjacent to the proposed Park within the Truman Waterfront Parcel a community garden is proposed with a small outdoor market place area (Exhibit 13 – Conceptual Community Garden Plan). The community garden has been approved and funded by the Community Redevelopment Agency and should serve as a complimentary Park use that helps to fulfil a component of the adopted Truman Waterfront Development Guidelines and Base Reuse Plan.

A Bicycle Substitution Variance is being requested concurrently with this development plan and conditional use and is proposed as a condition of approval.

Existing Conditions

The 28 acres proposed for development include scarified lands previously used for Navy operations and a former Navy Galley, Building 1287 (aka the PAL Gym), and large maintenance facility, Building 103. A structural analysis report was conducted for the two existing buildings on the site and Building 103, because of it is a giant shell of a building with very little obstruction inside, was determined to be structurally sound and adaptable; however, portions of building 1287 were determined to be structurally compromised and unsuitable for adaptive reuse

for its intended purpose as a community center. Additionally, the building encroaches 47' into the Navy's required 50' security setback and is not in compliance with the Deed restrictions; and after attempting to fit the necessary standard sized multi-use field on the property it was determined to fit only on the portion of the site where the building 1287 is currently located. Therefore, it was determined that the proposed plan to demolish existing building 1287 and relocate the community center was the most efficient use of the property.

The site is traversed by numerous underground utilities to Naval and State Park facilities as identified in the land conveyance deed; and an existing roadway is used to access Navy property in two locations, Fort Zachary Taylor State Park, the NOAA offices and the Eco Discovery Center. Although undeveloped, the site is visited by pedestrians and bicyclists who enjoy the open spaces and waterfront promenade. The site also accommodates two to three boat races and several local cultural events annually such as the Taste of Key West that draws thousands of visitors.

Existing conditions of the site are shown on the attached survey and Tree Disposition Plan (Appendix C. 7 Tree Disposition Plans).

Request:

The Proposed Development Plan is for the approval of a Master Park plan that will accommodate the following uses and amenities:

Buildings are required to be Green Building Certified in accordance with Comprehensive Plan Policy 1-1.6.4:

- New **Community Recreation Center** of 24,304 square feet to include indoor gym, industrial sized kitchen and classrooms.
- Retrofit of existing **Building 103** to be used as a museum with a conditional use request for a restaurant as a revenue generating use.
- New **Amphitheatre** with 250 fixed seats, a 3,000 square foot theater building with bathrooms and changing rooms and 15,000 square foot event lawn.
- **Police horse stables** – 2,525 s.f building and outdoor coral area.
- Possible use of the **old Keys Electric Facility** on Geraldine Street to be used as maintenance facility. The city is awaiting information regarding the Environmental Reports being formulated now.

Recreation facilities:

- Two children's **playground facilities**. One located in the front of Building 103 and one adjacent to the proposed community recreation center.
- An **interactive water feature** located near the outdoor restaurant area in the front of Building 103.
- **Multi-use sports field** of 360 by 230 feet which includes the recovery zone on all sides of the field (field is 310' x 180'). This sized field is large enough to meet high school league standards for various sports which is not accommodated for anywhere in the City at this time.
- **Recreational exercise pathways** both through the open space areas in the Merili McCoy Public Garden to the North and adjacent to the main roadway in both directions as separate **safe sidewalks** of 7-10' and **designated bicycle lanes** 8' in width.

- Several significant **open space areas** for active and passive recreation.

Improvements:

- Stormwater management.
- Cisterns and onsite water retention for water reuse.
- Topographic change elements including an elevated sunset look out area behind the amphitheater.
- Heavy landscaping for shade and aesthetic purposes.
- New roadways through the park connecting Southard Street and Angela Street through the park and to the State Park. New vehicular access from Angela Street. Traffic calming amenities are approved.
- Public Art throughout.
- Parking in three parking lots for 225 vehicles plus on street parking for an additional 91 vehicles for special events creating a total of 316 parking spaces for the Park.
- Parking throughout the park for 276 bicycles.
- Public restrooms will be provided.
- Safe pedestrian corridor crossings.
- Sidewalks and safe pedestrian corridors within parking lots.

Other Amenities:

- Boat Races: The Park design can accommodate parking on hard surfaces for up to 70 speed boats as requested by the speedboat race producers for the annual event. Other types of races such as the sailboat races can also be accommodated. Any damage to landscaping will be required to be replaced by event management and additional space may have to be requested from the adjacent Navy property. The Navy will consider the shared use of their property on a case by case basis.
- Revenue generating activities: Restaurant, outdoor and indoor events areas, classroom usage, Amphitheatre events.
- Negotiations ongoing regarding pedestrian access bridge to the Westin Marina across Admirals Cut.
- Park Maintenance Plan. Within the City's contract with Bermello Ajamil the scope of the work for Ballard King is stated as follows:

Ballard King will be involved with the Programming process and provide the following:

- Ensure that the project's operational goals are met.
- Project component recommendations/prioritization:
 - Validate or adjust any existing facility program
 - Determine sizing and space allocation requirements
 - Component relationships and interaction
- Development of program statement consensus

No development or improvements beyond the limits of the Truman Harbor Development Zone: No development is proposed seaward of the City owned upland property. The USCGC Ingham will be relocated northward from its existing location along the bulkhead for a

permanent mooring. The USCGC Ingham will meet all United States Coast Guard Standards. There will be no uses of or access to, the harbor other than those authorized by the Federal Government.

Construction Phasing

The proposed development contains two or more phases anticipated to be completed within 5-7 years of development approval, although because this project is dependent on available funding the Development Plan request is to extend the timeframe of this approval for 10 years in accordance with Section 108-203(a).

Phase 1 includes completion of 80% of the park as shown on the plan below. Phase 1 is expected to be substantially complete by March of 2017. To date, the City has secured \$2 million dollars in funding for the amphitheater and also submitted an application for a Restore Act Grant for the property.



The following project phases are proposed:

- Phase I –** Site infrastructure (roadway, utilities, parking), passive recreational areas, new multi-use athletic field, construction of a new Multi-Purpose Center on the site of the proposed Community Center gym, demolition of the Police Athletic League (PAL) building. Relocations will include the stable, the Fort Zackary Taylor State Park entrance and the PAL program.
- Phase II –** Demolition/Renovation of Building 103
- Phase III –** Amphitheater
- Phase IV –** Remaining portions of the Community Center

Please see the attached Application Narrative for a thorough description of the proposed park details.

Surrounding Zoning and Uses:

North: Transient and commercial uses
 South and East South: Military Lands
 West: Residential and Transient uses

Process:

Development Review Committee Meeting:

January 31, 2013

March 14, 2014

HARC Meeting:

February 24, 2014

Tree Commission Meeting:

April 8 or May 13, 2014

Planning Board Meeting:

March 20, 2014

April 17, 2014

City Commission Meeting:

May 6, 2014 (tentative)



Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 A(2)b of the City of Key West Land Development Regulations requires that any proposed plan outside of the historic district including the addition of outdoor commercial activity consisting of active recreation or similar activities shall require a Major 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.”

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.

Concurrency Management (Chapter 94)

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 has provided information regarding Concurrency Management and staff has reviewed the information and determined that the proposed project meets the City’s requirements for concurrency management. Please see the attached Concurrency Management Report provided by the applicant within the Application Narrative for further information.

Fire Protection (Section 108-233 (8)):

The Fire Marshall reviewed the proposed development plans at the DRC meeting held on January 31, 2013 and March 20, 2014. The Fire Marshalls Office (FMO) has requested that the applicant coordinate the new locations of fire service distribution systems and that the Restaurant be reviewed and fixed for fire suppression. Additionally the FMO requested access to the Eaton Street access point in the event of emergencies and that the surface be designed to support large emergency vehicles and that the roundabouts be large enough to accommodate their vehicles. The new locations of fire service distribution systems will be coordinated with the City’s FMO as a condition of approval.

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

Based on the information in the concurrency analysis, the proposed major development plan is not anticipated to increase adverse effects upon public facilities. The implementation of the plan is proposed over a 10 year period and further coordination is required at the time the road is relocated according to the letters provided by FCAA, Keys Electric and the City’s Utility Department at the DRC Meeting. Additional comments received at the first DRC meeting have been addressed through site design modifications early in the design process. Additional coordination will be required to enter into an easement with Keys Electric for access to the electric poles on the adjacent Navy property.

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

- 1. Compliance with Chapter 102 – Historic Resources; Chapter 108 Articles III, IV and V - Open Space, Screening and Buffers, Site Plans, and Traffic Impacts:**

The site Plans have been reviewed and issued a certificate of appropriateness that the proposed project is in compliance with relevant sections of Chapter 102. Rehabilitation is proposed to existing historic Building 103 on the site.

The proposed site plan meets requirements for Chapter 108 Article III, Site Plan. Articles IV for Traffic Impacts and Article V for Open Space, Screening and Buffers are addressed below in this report. The City's Engineering Division is concerned about how the two way road on Angela Street may conflict with the Truman Waterfront roadway connectivity plan and additional coordination will be necessary.

2. Compliance with Section 108-956 - Potable water and Wastewater:

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 – Archeological Resources:

The Truman Annex is not known as a significant archaeological site. Although significant historical activities have taken place on the site.

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

The proposed development is in compliance with standards set forth in Section 108-235 of the Code as described below.

The proposed uses within the park and the Park itself are compatible with surrounding land uses and the character of the area. The design enhances physical access to the waterfront and other recreational activities. The park is comprised of varying types of open spaces and what are anticipated to be heavily used recreation areas. Because the plan proposes activities and buildings spread in different portions of the park, the proposed plan appears to be compatible with adjacent land uses. For example, the adjacent residential users at the Truman Annex are adjacent to passive recreational activities such as excursive paths and open space areas to minimize noise. The increase in access for multimodal transportation users such as the Petronia Street and Angela Street access points improve connectivity between the adjacent neighborhoods and the various parks, spreading the potential traffic impacts and encouraging alternative transportation. Adequate bicycle, scooter and vehicular parking is provided on the site as anticipated.

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

The development plan design is sensitive to the existing infrastructure and natural landscape within the site and provides compatible connectivity with adjacent neighborhoods, streets, parks, parking areas and pedestrian and bicycle pathways.

The shape and colors of the ocean are reflected and emphasized in the proposed promenade areas. Proposed concrete building materials are compatible with traditional materials utilized by the Navy and the existing Building 103 will be rehabilitated.

Three new structures are proposed including a community recreation center, horse stables and an amphitheater. The structures are proposed to be LEED certified with

additional provisions for rainwater harvesting. The proposed buildings meet the height regulations and will not impede the existing visual access to the waterfront. The structures have harmonious massing and scale characteristics that do not impinge on the surrounding natural landscape.

The proposed design is in compliance with the performance standards stipulated in Sections 108-236 of the City Code.

2. **Appearance of site and structures (Section 108-278):**
The site appears to be in overall compliance with Chapter 108-278 of the City Code as specified above.
3. **Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):**
Mechanical equipment proposed as part of the buildings shall be adequately screened from view by landscaping as required by the Land Development Regulations. Waste and recycling storage areas will be located throughout the park for collection. The area will be screened from view by a 6' fence and meets the requirements set forth in the above Section.
4. **Utility lines (Section 108-282):**
Existing power lines currently service the area. Further coordination is required at the time the road is relocated. Keys Energy has provided a letter regarding this proposal (Exhibit 14 - DRC Comments).
5. **Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):**
Commercial activities will take place within the enclosed building except where there is allowed outdoor consumption area associated with the restaurant. No other commercial activities are proposed as part of the project.
6. **Exterior Lighting (Section 108-284):**
The applicant has provided a lighting site plan that also includes proposed lighting design for sidewalk, street and parking lighting. Lighting will be designed to "Dark Sky" lighting standards as a condition of approval. Please see the attached lighting plan on Appendix C. 13 of the site plans.
7. **Signs (Section 108-285):**
No signage plan has been submitted. As a condition of approval the applicant is responsible for designing and submitting a signage plan to the Planning Department for approval that is compatible with Section 108-285 of the Code.
8. **Pedestrian sidewalks (Section 108-286):**
The proposed site design includes extensive new sidewalks that connect parking areas and recreation uses within the park to adjacent land uses. Connectivity design and pedestrian safety has been previously addressed in this report.

9. Loading docks (Section 108-287):

A loading dock has been designed for the south side of the amphitheater facility, see Master Plan. A loading area has also been indicated on the north side of Building 103 to service the proposed museum and restaurant uses.

10. Storage Areas (Section 108-288):

No outdoor storage is proposed; however, the waste handling area proposed has been previously addressed above.

11. Section 108-241. – Soil survey and Section 108-242. – Environmentally sensitive areas.

Please see the Application Narrative pages 27-28

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

The site is currently undeveloped and the proposed site development shall be designed to current standards for existing circulation and dimensional requirements, and drainage, and provides safe or organized pedestrian access from the vehicles to the destination. The entire site provides for pedestrian circulation and connectivity. The proposed design addresses the need to separate vehicular uses from pedestrian circulation and reduces the potential safety concerns where the two conflict by adding vehicular speed calming devices, landscape buffering, crosswalks, connecting pedestrian ways and parking areas with sidewalks.

As previously mentioned, two eight foot unidirectional bicycle paths are proposed along either side of the new roadway as shown on the site plans. Bicycle parking stations are proposed to be located throughout the park, with a total amount of 276 bicycle parking spaces available.

The City Code of Ordinances does not provide a parking standard for parks and recreation areas; therefore the parking analysis is based on the independent use requirements within the park. The proposed park uses as they relate to the parking standards are as follows

| Parking Table by Use | | | | |
|------------------------------|---|--|-------------------------|------------------------|
| Use | Size (sf) | Standard | Required Parking | Bicycle Parking |
| Historic Building 103 | Restaurant 4700 s.f Consumption Area | 1 per 45 s.f of Consumption Area; | 104 spaces | 29 spaces |
| | Museum 4,350 sf. | 1 per 150 s.f of Assembly Area | 29 spaces | |
| Community Center | 10,821 sf Assembly Area | 1 per 150 s.f of Assembly Area | 72 spaces | 35% 25 spaces |
| Amphitheatre | 15,259 sf Assembly Area; 250 fixed seats | 1 per 150 s.f of Assembly Area; 1 space for each 5 | 102 spaces | 10% 15 spaces |

| | | | | |
|-----------------------|----------|------------------------------|------------|-----------------|
| | | seats | | |
| Stables | 2,525 sf | 1 per 300 s.f of Floor Area; | 8 spaces | 25% 2 spaces |
| Total Required | | | 366 | 72 |
| Total Provided | | | 316 | 276 |

As depicted in the master plan contained in Appendix C, three public parking lots will be provided within the park. A 66 space public parking lot is planned immediately north of Building 103, 92 parking spaces will be provided near the Angela Street entrance, and 67 parking spaces will be constructed near the community center (on the south side of Presidential Boulevard). Of which 5 spaces in each parking lot shall be dedicated for fuel efficient vehicles. Also included are 36 scooter parking spaces. During special events at either the community center or the amphitheater, the two eight foot wide bike lanes along Presidential Boulevard will be closed and an additional 91 parallel parking spaces created. Hence, the total number of vehicular spaces provided on site includes 316 parking spaces (Appendix C. 1).

Based on the requirements for parking standards the proposed number of parking spaces (316) is short 51 spaces from what is required. As previously mentioned a bicycle substitution variance is requested as part of this development plan. The approval of the bicycle substitution variance is a condition of the approval. Seventy two bicycle parking spaces are required for the project although 276 are proposed. Of those, 204 are proposed to substitute for the 50 additional parking spaces that are required to complete the project.

It is important to note that park guests typically utilize more than one service per visit and therefore the potential for shared parking demand is common. Also notable is that this particular site is located at the beginning (or end) of the Westin Marina and the fort Zachary Taylor State Park within the heart of Old Town Key West where many park visitors arrive using alternative modes of transportation such as walking, riding bicycles, scooters or the trolley.

Additionally, the existing visitor and employee parking areas adjacent to the NOAA/Eco Discovery Center will remain. The new City of Key West surface parking lot planned for the west side of Fort Street near Olivia Street is available for local residential parking.

Housing (Section 108-245):

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

Economic resources (Section 108-246):

No ad valorem tax yield is anticipated from the proposed project as it will be a public recreation facility owned by the City of Key West. The restaurant operations proposed for Building 103 may be leased to a private operator. The restoration and adaptive reuse of Building 103 as an eating establishment in support of park operations will generate sales tax income for the City and the State of Florida. The approximate amount of this revenue stream is not feasible to calculate at this time given the preliminary nature of the building use concept.

The majority of the expenditures on the construction of the project will transact within the City of Key West. The direct construction expenditures will create other induced expenses in the community. These expenses will generate both direct and indirect employment in the City of Key West as a result of the process of construction.

Additionally, during future park operations, direct employment and indirect employment will be generated through required park maintenance and security employment; as well as through the operation of proposed support facilities within the park.

Special Conditions (Section 108-247):

- a) The proposed development is consistent with the zoning district uses and consists of a conditional use for the restaurant. Therefore it does not conflict with the intent of the land development regulations, and is not anticipated to cause any conflict in relation to existing public facilities that are in place.

- b) Portions of the project area are located within the Coastal Construction Control Line; however, no new construction is proposed within this area. The Coastal Construction Control Line is established from the mean high water line to 30' on shore within the area.

- c) N/A

- d) Public access to the shoreline is enhanced by this project.

- e) Two transit stops are proposed as part of the project. Further, the Truman Waterfront Park has been designed to facilitate multimodal transportation access via an open internal circulation roadway with excess pavement width on both sides of the roadway (total roadway width is 40 feet). Four transit stops are located within the park located immediately south of the main entrance (south side of the entry roundabout), and on both sides of Presidential Boulevard between the proposed amphitheater and the community center.

- f) The applicant has proposed LEED certification for Building 103 and the community center additional green features include rainwater harvesting and reuse. Additional green design standards throughout the site include stormwater management design that incorporates grass runoff areas, Dark Sky lighting, and landscape design that minimizes water usage and maximizes canopy trees for surface heat reduction. Several conditions are built into the approval of this development plan that affect the lease for the restaurant as follows:
 - 1. Reduce vehicular trips to the venue by marketing and promoting multimodal accessibility to the site via website, reservations, etc.
 - 2. Obtain Green Business Certification
 - 3. Separate collection of food waste to be donated for compost purposes to the adjacent Community Garden or for onsite reuse
 - 4. Recycling of all materials collected by waste management
 - 5. Lessee must obtain a Conditional Approval Permit, subject to annual inspection

- g) The KWPD horse stables are proposed to be elevated from base flood elevation to meet FEMA requirements. The community center shall also be elevated. The area between the bottom floor of the structure and grade is proposed to be left open but buffered by lattice or similar materials approved by the Historic Preservation Planner.
- h) Recreation facilities provided on the site have been previously addressed in this report
- i) As previously discussed, the applicant has coordinated and continues to coordinate with the Navy. Further the applicant has coordinated with numerous local and state agencies regarding use, permitting and potential funding assistance including the DCA, the TDC, state, the DEP, FDOT, City Planning and City FEMA Coordinator regarding the site and drainage plans. Additional coordination with the DEP is required to resolve the final environmental remediation issues in order to lift the deed restrictions and begin digging in the land at all.
- j) Environmental permitting is under way at this time.

The proposed project meets the applicable standards outlined in Section 108-247 of the City Code.

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

The proposed development contains two or more phases anticipated to be completed within 5-7 years of development approval, although because this project is dependent on available funding the Development Plan request is to extend the timeframe of this approval for 10 years in accordance with Section 108-203(a). Phase 1 is expected to be substantially complete by March of 2017. To date, the applicant has secured \$2 million dollars in funding for the amphitheater and also submitted an application for a Restore Act Grant for the property.

The following project phases are proposed:

- Phase I** – Site infrastructure (roadway, utilities, parking), passive recreational areas, new multi-use athletic field, construction of a new Multi-Purpose Center on the site of the proposed Community Center gym, demolition of the Police Athletic League (PAL) building. Relocations will include the stable, the Fort Zackary Taylor State Park entrance and the PAL program.
- Phase II** – Demolition/Renovation of Building 103
- Phase III** – Amphitheater
- Phase IV** – Remaining portions of the Community Center

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

As part of the design team a Landscape Architect has prepared the proposed Landscape Plan. The Landscape Plan incorporates native materials, clustering of plant material for water conservation, salt tolerant grasses, and canopy trees for surface heat reduction. The plan is intended to retain as much existing tree canopy on site as possible and to supplement it with additional plantings as required by code and driven by desired aesthetics. Screening and buffering is proposed that meets Crime Prevention Through Environmental Design (CEPTED) design standards that help minimize dangerous hiding spaces, isolated areas and promote pedestrian safety.

As a previous naval base, the site contains limited tree cover. The Truman Waterfront Park design includes an existing tree disposition plan that responds to identified on the proposed site design. Where feasible and applicable, on-site trees will be preserved or relocated to other areas of the site as may be required by the new park design. The method to be utilized in the preservation and relocation of trees will be presented as part of the construction documents and for City of Key West permit approval. A tree removal permit will be obtained as required by the City of Key West. (See Appendix C, sheets LT-00 through LT-11).

A landscape plan has been prepared. (See Appendix C, sheets LL-00 through LL-12). The working drawings for the landscape plans will include specifications for landscaping for all areas of the project and will comply with the performance criteria included in Article VI of Chapter 108 of the City of Key West Code of Ordinances. The Tree Commission is scheduled to hear the Landscape Plan and Irrigation Plan on April 8, 2014. Tree Commission approval is a condition of the request.

The proposed site plan significantly exceeds the 20% open space requirement.

Specific permits for tree removal and relocation or replacement are not part of the request at this time due to the time period between development approval and actual construction. The applicant will continue to seek phased permits from the Tree Commission for tree removal/relocation/replacement closer to the time of implementation.

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

Parking has been previously addressed in this report.

Stormwater and Surface Water Management (Article VIII):

Drainage and surface water plans prepared by a State of Florida registered engineer, Perez Engineering and Development, Inc., are attached as Appendix C, 8). According to comments made at the DRC Meeting by the City's Engineering Division the drainage and surface water management plan meets the required performance criteria as identified in Chapter 110 of the Code of Ordinances. During the process of construction, provisions will be made for the adequate management of on-site surface run-off; erosion control; movement and stockpiling of soil materials; and other actions as may be necessary for the adequate and environmentally conscious construction of the project. There will be adequate management of any other site development impacts that may arise from the construction process. The General Services and Engineering Department has no concerns regarding the proposed Conceptual Drainage Plan (Exhibit 14- DRC Minutes).

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

The site falls on a Special Flood Hazard Area subject to inundation by the 1% (100 year) annual chance flood. The site has two flood zone classifications AE - 7, AE - 8, in addition to Zone X, as indicated in the National Flood Insurance Program Map.

Portions of the existing development lie within the Coastal Construction Control Line (CCCL), which requires that no building shall be constructed within 30 feet of the mean high water line in

accordance with Code Section 122-1148(a)2. No new construction is proposed within the CCCL and no changes are proposed to the existing non-conforming structures within the CCCL area.

Utilities (Article IX):

According to information submitted to the Department, FCAA and Keys Energy Services are able to provide utilities to the site; however, further coordination is required at the time that the road is constructed. The proposed development project will use existing utility mains for potable and sewer water and extend existing underground electrical lines. The applicant will also need to coordinate with the utilities department and a Utility Connection Plan is required at the time of development. Landscaping will consist of native species as shown on the proposed landscape plan.

Conditional Use Review

Code Sec. 122-62 (a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and or the City Commission during review of the respective application in order to ensure compliance with the Comprehensive Plan and Land Development Regulations.” The same section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

Conditional Use Criteria per Code Section 122-62

- (a) **Findings:** The Planning Board may find that it meets the Code purpose of ensuring that “a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.”

The portion of the Park where the restaurant is proposed is within the HPS-1 zoning district, within Building 103. Outdoor consumption area is proposed and will overlook the Truman Harbor. The area surrounding Building 103 has significant open space and recreational activities including an interactive water feature, playground, and parking lot with 106 dedicated vehicular and 84 associated bicycle parking spaces. The proposed restaurant with indoor and outdoor consumption area is proposed to be a maximum of 318 seats and appears to be generally compatible with the intent of the zoning classification that supports land uses accessory to and supportive of the Park. It is anticipated that the restaurant will be leased out and revenues generated will be reinvested in Park maintenance.

The proposed conditional use application for a restaurant with outdoor consumption area shall be in the public interest and shall meet the following criteria as described below:

- (b) **Characteristics of use:**

- 1) **Scale and intensity**

- a. **Floor Area Ratio (F.A.R):** The proposed F.A.R for the entire Park is 0.04, significantly less than the 0.8 allowed in the HPS-1 zoning district and 1.0 in the HNC-2 and HRCC-4 zoning districts.

- b. **Traffic Generation:** According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition, the trip generation of restaurants is 85 trips per 1,000 s.f. based on gross floor area although peak hours average 10 trips per hour. Because of the location of the proposed restaurant in a Park, traffic generation is expected to be largely pedestrian.

The City has conducted a Traffic Impact Analysis that is incorporated into the development plan. The analysis takes into consideration potential traffic generated from the Truman Waterfront Park, the State Park and the Us Navy Base for average conditions and for special events. The analysis found that the proposed parking and roadways are adequate to accommodate the potential traffic from all three uses. Please see the Trip Generation on page 20 of the development application and the Traffic Analysis for a more detailed analysis of the findings. The State's new entrance point is being designed to accommodate two lanes of traffic and a pedestrian/bike lane. Traffic generating from the State Park uses will be accommodated on the State Park property in response to relocation of the entrance point (Exhibit D -F).

As previously stated The City's Engineering Division is concerned about how the two way road on Angela Street may conflict with the Truman Waterfront roadway connectivity plan and additional coordination will be necessary.

- c. **Square Feet of Enclosed Space For Each Specific Use:** Building 103 is approximately 13,748 square feet and will be used as a restaurant, historic museum and bathrooms available to all park users. The proposed total restaurant area is approximately 8,000 s.f with indoor and outdoor a consumption area limited to 318 seats. The proposed historic museum area will to occupy 4,350 square feet. The museum use is not part of this conditional use request.
- d. **Proposed Employment:** It is estimated that 35-50 employees are needed to serve the restaurant operations.
- e. **Proposed Number of Service Vehicles:** Delivery service vehicles are expected through the parking lot at the rear of the restaurant approximately 3-5 times a week as needed. Garbage pick-up will be from the parking lot as well to be determined on an as needed basis.
- f. **Off-Street parking:** The proposed parking lot located to the north of the restaurant building has been designed to accommodate 66 vehicles, five of which are priority spaces for fuel efficient vehicles, 12 scooter parking spaces (equivalent to 3 parking spaces) and 84 bicycle parking spaces, that are accommodated in the area. In the parking lot to the south of the entry circle and additional 92 spaces and 12 scooter spaces are provided. Of the 92 spaces, 38 are designed to be dedicated to the restaurant use.

The proposed consumption area of 4,700 square feet limits the amount of seating to 318 seats. The proposal is subject to code requirements for restaurant parking requiring 104 parking spaces (one space for each 45 square feet of consumption area). Although an

adequate number of parking spaces are provided to accommodate the restaurant use, as described above, in conjunction with this Development Plan and Conditional Use request, a bicycle substitution variance is requested to convert parking spaces into scooter spaces and thus substitute an additional 72 bicycle parking spaces for the entire Park. The museum use also requires (4,350 sf at one space per 150 s.f of floor area in the assembly hall) resulted in a requirement of 29 spaces, of which only 2 spaces can be accommodated on the site parking lot. However, because the project is only a portion of a Park project there are over 300 parking spaces on the property with over 250 bicycle spaces.

2) On or Off Site Improvements Not Previously Identified

- a. **Utilities:** Based on comments previously submitted by Keys Energy Services and Florida Keys Aqueduct Authority additional coordination will be needed for new services to the restaurant building. Additional comments are attached to this report and reference the park as a whole.
- b. **Public facilities:** The application includes a Concurrency Management report and services and utilities have adequate capacity for the proposed restaurant. Please see a more detailed concurrency report previously described above. As proposed, the site is concurrent with Chapter 94 of the Code.
- c. **Roadway or Signal Improvements:** New roadways are proposed as part of the park master plan that will provide access to the restaurant. No new signals are proposed although, directional signage is proposed as part of the Park Master Plan. Please see the development plan report for additional information regarding roadway improvements.
- d. **Accessory Structures or Facilities:** Three main structures are proposed as part of the Park Master Plan. No accessory structures are proposed as part of the restaurant use.
- e. **Other:** All special amenities proposed as part of the Park Master Plan have been previously addressed. No unique facilities or structures are proposed as part of the restaurant use.

3) On-site amenities proposed to enhance the site: Extensive site improvements are proposed as part of the Park Master Plan. The site is currently undeveloped and site amenities are addressed previously in this report. The proposed restaurant will share the building with a historical museum featuring local maritime and cultural history and provide restrooms and shelter for park users. Adjacent to the restaurant is a playground and interactive water feature where families are expected to frequent.

- a. **Open space:** The site is currently scarified and although under developed has very little vegetated open space areas. The total open space for the Park is over 64%.

- b. **Setbacks:** The proposed project is in compliance with setback requirements required by the Land Development Regulations and security offset zones required by the Navy.
- c. **Screening and buffers:** All electrical equipment and garbage will be screened with appropriate fencing and vegetation. Significant vegetative buffers are proposed between the restaurant and other uses within the vicinity.
- d. **Landscaping berms:** No landscaped berms are proposed as part of the restaurant drainage plan, however the landscape plan includes varying topographic elevations.
- e. **Mitigative techniques for abating smoke, odor, noise and other noxious impacts:**
The majority of the activity associated with the restaurant will be at the rear of the structure at the parking lot and at the front facing the playground and interactive water feature. The structure is significantly setback from other uses and it mostly within a concrete structure, so noise impacts are not anticipated from the restaurant although traffic is expected to increase. The proposal also includes a waste handling area that is buffered from sight by fencing and landscaping. Garbage will be removed on an as needed basis.

(c) Criteria for conditional use review and approval: Applications for a conditional use review shall clearly demonstrate the following:

1) Land use compatibility:

The proposed conditional use, in conjunction with the proposed Major Development Plan, is compatible with the nearby Military, park, residential and institutional land uses. The proposed restaurant is significantly setback from the nearest residential uses, buffered by significant landscaping, is located inside an existing historic Navy structure and no alterations are proposed to the scale of the building. Further, the intensity of the restaurant, which occupies only on half of the building, limits potential maximum intensity of the use. Although traffic currently traverses the site in order to reach the Naval bases and the State Park, impacts to the entire park are expected to increase as a result of the restaurant and new Park. Alternative transportation is encouraged by the overall site plan which is designed to facilitate multimodal transportation needs through the park, including bicycle and pedestrian circulation modes, bus and tourist transportation mode access, and adequate parking is proposed for the use.

2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:

The building is over 8,000 square feet on a 28 acre park site. Only four buildings are proposed on the site, leaving over 18 acres of open space. Building 103 is not proposed to be expanded as part of this application although outdoor seating is proposed.

The proposed Major Development Plan significantly exceeds and increases open space requirements. The site has adequate size and site specifications to accommodate the proposed outdoor consumption area and amenities such as screening, buffers, traffic

circulation, concurrency management, sidewalks, bathrooms, site access, and parking needs.

3) Proper use of mitigative techniques:

The proposed plan for the restaurant has been designed to incorporate mitigative techniques to buffer impacts, such as vegetation for noise, visual impacts and heat gain. Additionally, the plan includes adequate bicycle and vehicular parking for the proposed restaurant and provides adequate access for visitors using alternative transportation. The solid waste storage area is proposed to be screened with fencing and vegetation. Adverse impacts are not expected to negatively affect community infrastructure.

4) Hazardous waste:

No hazardous waste shall be generated by this conditional use.

5) Compliance with applicable laws and ordinances:

The proposed development will comply with all applicable laws and regulations as a condition of approval.

6) Additional Criteria Applicable to Specific Land Uses:

Applicants shall demonstrate the proposed conditional use satisfies the following criteria:

a. Land Uses Within a Conservation Area: N/A

b. Residential Development: N/A

c. Commercial or Mixed Use Development:

The proposed restaurant is located squarely within the park with compatible adjacent park uses such as a museum, playground, interactive water feature and associated parking lot. The closest residential uses are over 100 feet from the concrete building structure and the restaurant use buffered by a museum within the building, a fence, roadway and vegetation. The department has not received any concerns about the proposed restaurant use to date.

d. Development Within or Adjacent to Historic District:

As previously mentioned an application for demolition, site plan and material review was reviewed and approved by the Historical Architectural Review Committee on February 24, 2014, through Certificate of Appropriateness No. H14-01-0233. A second HARC Meeting will be held in the future when the architectural drawings for the structures are fully developed.

e. Public Facilities or Institutional Development: N/A

f. Commercial Structures, Uses and Related Activities Within Tidal Waters: N/A

g. Adult Entertainment Establishments: N/A

RECOMMENDATION:

Please note that since the Planning Board approval of the conditions sited below through Resolution 2014- 19 condition number 2a has been slightly modified in response to discussion with the Navy regarding the location of the roadway. The most recently agreed upon design is attached to this document.

The Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for a Major Development Plan and Conditional Use be **approved** with the following conditions:

1. That the associated bicycle substitution variance is approved by the Planning Board.
2. Navy:
 - a. The existing planned shared pedestrian/auto pathway making use of the existing East Quay shall be modified to eliminate automobile access and a drivable access way from the existing Eaton Street easement area southward to and through the parking lot north of Building 103 shall be implemented separately. The easement dedicated to the Navy from Eaton Street to the Quay will be eliminated, and be replaced with an easement for the new access way. This redefined access way will provide the assured and agreed upon vehicular access way for the Navy from the area of the Eaton Street easement southward to the Southard Street extension into the park.
 - b. The City will continue to coordinate with the Navy during cruise ship operations, including, but not limited to, pedestrian, trolley, bus, Chandler support, and train staging, etc., to ensure that there is no impact to the military mission.
 - c. The City will continue discussions with the Navy regarding the option of a joint use Entrance Control Point (ECP) structure and any proposed structures in the vicinity of the ECP will be coordinated with the Navy to ensure clear line of site and compliance with Anti-Terrorism Force Protection (ATFP) standoffs and security requirements.
 - d. A standard operating agreement to define coordination and planning solutions to move military vehicles and equipment through the park complex during urgent or special events shall be concluded before completion of phase 1 construction (road realignment plan) of the Park. This can be assured as a condition of the Major Development Plan approval through a Memorandum of Agreement.
 - e. The easements will be reviewed, updated and/or eliminated through coordination with the Navy as part of the Phase 1 construction documents within 180 days of development plan adoption. This approach will ensure the accuracy of the associated surveys and thus the easement documentation.
 - f. In the event that City and Navy have coordinated the use of City property for special events, the coordination efforts will be done to ensure that military operations are not impacted.
 - g. Once the lighting plan has been finalized, the City will conduct an informal lighting study with NAS Key West to determine potential impacts to the military mission. Additionally, the City will coordinate the potential impacts of the proposed lighting on the Navigation Range Markers with the Navy Port operations and local Harbor Pilots. The proposed lighting plans will meet Dark Sky standards that require fixtures to focus light on the ground and not spill off the site.
 - h. After plan adoption the LRA will transmit the development plan for final Navy review subject to the 2002 Quit Claim Deed.
3. An easement is required to be executed with Keys Energy for access to electric poles along Navy boundary on the southern edge of the property.

4. For all elevated structures, areas between the bottom floor of the structure and grade must be buffered by lattice or similar materials approved by the Historic Preservation Planner and fully landscaped.
5. Building construction on the site including the development of the amphitheater, community center and building 103 shall at a minimum be LEED certified consistent with Comprehensive Plan Policy 1-1.1.6 that requires a green building certification.
6. That rainwater be captured from all building roof surfaces into adequate sized containers highest standard and redistributed for onsite irrigation purposes using ARCOSA standards.
7. That if permanent irrigation system is required that the system be built to ARCOSA standards.
8. Lighting shall be designed to "Dark Sky" lighting standards and shall meet energy efficiency standards established by an accepted third party environmental standard consistent with F.S Chapter 255.2575(2).
9. Tree Commission approval is required for the overall Landscape Plan in addition to each phase of the removal/relocation and replacement of vegetation based upon the approved Landscape Plan.
10. The complete set of plans dated March 4, 2014 are hereby adopted and incorporated herein.
11. That the proposed two way traffic direction on Angela Street be coordinate with the adopted Truman Waterfront Connectivity Plan.
12. Emergency call boxes are distributed throughout the site in coordination with the KWPD.
13. Fire hydrant locations are coordinated with KWFD.
14. Two electric vehicle charging stations are installed at three points within the park.
15. The lease for the restaurant for Building 103 shall contain the following provisions:
 - a) That the business establish and maintain a marketing plan on order to reduce vehicular trips to the venue promoting multimodal accessibility to the site via website, reservations, etc.
 - b) That the lessee obtain a Green Business Certification.
 - c) That the business separate the collection of food waste to be donated for compost purposes at the adjacent Community Garden or for onsite reuse.
 - d) That the business recycle all materials collected by waste management.
 - e) Lessee must obtain a Conditional Approval Permit, subject to annual inspection.

Attachments:

Revised Navy Roadway Plan

Planning Board Resolution 2014-20

Planning Board Resolution 2014-19

Planning Board Staff Report

Exhibit 1 - 1997 the BRAC Master Plan

Exhibit 2 - 2002 MOU and Quit Claim Deed

Exhibit 3 - Meisel & Spottswood Conceptual Plan

Exhibit 4 - Resolution 10-265

Exhibit 5 – Resolution 12-129

Exhibit 6 – BVRAC, TWAB and LRA Adopted Master Plan, Resolution 12-285

Exhibit 7 - Focus Group Datum

- Exhibit 8 – 2013 Development Plan
- Exhibit 9 - DRC Minutes
- Exhibit 10 - Navy Response Letter and City Response to Navy
- Exhibit 11 - DEO Final Order Ordinance 13-25
- Exhibit 12 – LRA Resolution 12-129 Truman Waterfront Park Design Program Direction

Revised Navy Roadway Plan

