

Planning Board Staff Report



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

To: Chairman and Planning Board Members
From: Nicole Malo
Through: Amy Kimball-Murley, AICP, Planning Director
Meeting Date: June 17, 2010

Agenda Item: A Major Development Plan and Conditional Use request for the reconstruction and expansion of an existing church and parking lot for 70 spaces for property located at 3424 Northside Drive in the Single Family (SF) zoning district per Section 108-91B(2)b and Section 122-236(4) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE #00065830-000000).

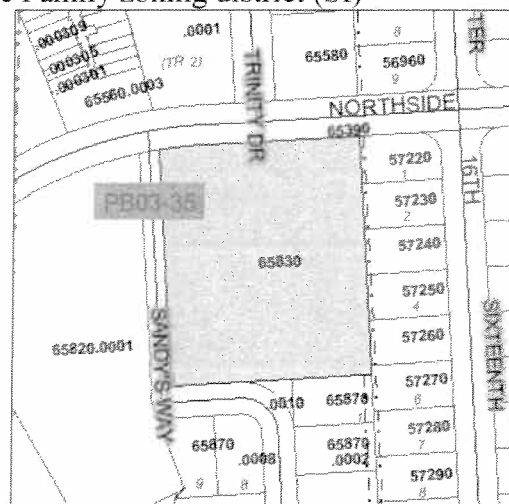
Request: To allow the phased demolition, redevelopment and expansion of a church in the SF zoning district.

Authorized Agent: Rich Gaines, McCree Architects and Engineers, Inc.

Property Owner: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints

Location: 3424 Northside Drive, RE# 00065830-000000

Zoning: Single Family zoning district (Sf)



Background: The property is located on Northside Drive and Sandy's Way. Sandy's Way provides ingress and egress for the Marquesa Court subdivision to the south of the property. Residential uses abut the east and south portions of the site. Multi-family, medical/educational and single family residential uses are located across Northside Drive. The parcel is approximately 74,923 square feet (1.72 acres). The site was first developed as a church in the 1970's.

The site currently consists of a chapel, classrooms and offices of approximately 3,322 square feet and a parking lot for 34 parking spaces. Currently, 76.5% the lot (57, 331 square feet) is open space. The site is conforming to lot, yard and bulk regulations.

There are two existing land encumbrances on the site: a utility easement along the right-of-way on Northside Drive and a landscape easement on the west side of the property along Sandy's Way (see Easements attached).

Request: The applicant is proposing to build an approximately 5,562 square foot church and a 96 square foot accessory structure. The parking lot will be expanded to accommodate 70 parking spaces. Upon completion of the construction of the new church the existing church will be demolished, and the remaining site improvements will be completed.

Process

DRC Meeting	April 22, 2010
Tree Commission Meeting	June 21, 2010
Planning Board	June 17, 2010
City Commission	TBA

Surrounding Zoning and Uses:

North:	SF -	Offices and residential uses
East:	SF -	Residential uses
South:	SF -	Residential uses
West:	CG -	Offices

Uses Permitted:

- 1.) Single-family residential dwellings and accessory residential units.
- 2.) Group homes with less than or equal to six residents as provided in section 122-1246.

Conditional Uses:

- 1.) Two-family residential dwellings (duplexes). Note: Duplexes shall not be located within the following portions of the SF district:
 - a. The Venetian Subdivision located south of the Riviera Canal; and
 - b. The area bounded on the north by Flagler Drive, on the south by Casa Marina Court, on the east by White Street and on the west by Reynolds Street.
- 2.) Educational institutions and day care.
- 3.) Parks and recreation, active or passive.
- 4.) Places of worship.

- 5.) Protective services.
- 6.) Public and private utilities.

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 subject property has an existing church and parking lot on a large site. The proposed expansion will further develop the site but will not change the use. The surrounding area includes single and multi-family residential, medical/educational and commercial uses. The proposed expansion appears to be compatible with the surrounding uses.

The proposed conditional use application shall be in the public interest and shall meet the following criteria as described below:

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

The proposed expansion of an existing conditional use includes modifications to the parking lot and associated ingress and egress plans. Each key area is assessed below.

- 1) **Scale and intensity**

- a. **Floor Area Ratio (F.A.R):** Floor Area Ratio does not apply to uses in the Single Family zoning district. Lot coverage, impervious surface ratio and height restrictions limit structural square footage.
- b. **Traffic Generation:** The applicant has provided a Traffic Study. Traffic is expected to increase due to the expansion of the facility. Church services are typically held two times a week, with occasional special events. Additional services or public usage of the site may further increase existing traffic on and off the site. However, an increase in trip generation is not anticipated to create a level of service problem.
- c. **Square Feet of Enclosed Space For Each Specific Use:** The proposed building will increase existing square footage by 2,336 square feet for a total of 5,562 square feet. A storage structure of 96 square feet will also be provided.

d. **Proposed Employment:**

There are no employees anticipated for the proposed redevelopment. Currently volunteers manage the site a few nights a week.

e. **Proposed Number of Service Vehicles:**

The church does not currently receive visits from regularly scheduled service vehicles. No additional service vehicles are expected due to the proposed redevelopment.

f. **Off-Street Parking:**

The code requires one parking space per five seats for churches. The proposed church has 185 seats resulting in a requirement of 37 spaces. The applicant is proposing 70 parking spaces to accommodate anticipated membership needs and the predominance of commuting parishioners.

2) On or Off Site Improvements Not Previously Identified

a. **Utilities:**

Both the Florida Keys Aqueduct Authority and the Keys Energy Services have submitted letters to the department. Keys Energy Services requires the redevelopment to include high voltage underground service in compliance with Code Section 108-282. The secondary voltage available is 120/240 single phase or 120/208 3 phase. The applicant must submit a full set of plans for review.

b. **Public Facilities:**

According to the Concurrency Management report provided by the applicant the proposed development is concurrent with Chapter 94 of the Code. A stormwater management plan has been provided, garbage and recycling areas will be screened and appear to be adequate based on current use, and facilities are proposed to meet ADA standards.

c. **Roadway or Signal Improvements:**

No changes to roadways or signal improvements are required.

d. **Accessory Structures or Facilities:**

The proposal includes an accessory storage structure towards the rear of the principal structure consisting of 96 square feet.

e. **Other:** The applicant is proposing to install energy and water saving devices.

3) On-site Amenities Proposed to Enhance the Site: The proposal includes site improvements to enhance the site such as stormwater retention areas and landscaping.

a. **Open Space:**

The site currently has 76.5% open space of the property. The proposal will reduce open space to 45.4% (34,023 square feet) of the site. This exceeds the requirement of 20%.

b. Setbacks:

Setbacks are in compliance with regulations for community facilities in the SF zoning district.

c. Screening and Buffers:

A 30 foot landscape buffer is required per Section 108-413(b). A buffer yard between approximately 40 and 105 feet is proposed between the parking area and residential uses. All electrical equipment and garbage shall be located in screened areas.

d. Landscaping Berms:

No landscaped berms are proposed, however the applicant has proposed a landscape plan and installed stormwater retention.

e. Mitigative Techniques for Abating Smoke, Odor, Noise and Other Noxious Impacts:

The proposed use is not anticipated to cause smoke or odor. The applicant is proposing landscape buffers on three sides of the parcel to mitigate potential impacts on neighboring properties.

(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 use appears generally compatible with nearby commercial, residential and medical/educational land uses. The applicant has proposed landscaping as a buffer and improved stormwater treatment on site. According to the applicant, the facility is used twice a week for services and is only occasionally used for special events, such as a voting precinct location for the district. Vehicular trips are expected to increase over time. Based on information provided by the applicant, this is not expected create an appreciable impact.

The landscape plan has attempted to enhance the pedestrian realm near the right-of-way by locating shade trees in close proximity to the sidewalk. However, according to the applicant, electric lines create a conflict with streetscaping needs.

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

The site design appears to be adequate to accommodate the proposed building and parking lot. The application meets lot, yard, and bulk requirements. The main structure

meets height requirements. However, a variance is required for the proposed 49 foot height of the steeple.

3) Proper use of mitigative techniques:

The applicant has proposed landscaping around the property to buffer the surrounding residences and extra parking is proposed to contain parking on site. The site plans show a screened garbage area in accordance with code. Stormwater retention is proposed to capture water on site.

4) Hazardous waste:

Not applicable, no hazardous waste shall be generated by this conditional use.

5) Compliance with applicable laws and ordinances:

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

6) Additional Criteria Applicable to Specific Land Uses:

The conditional use proposed does not include the following land uses for analysis as required by the Code:

a. Land Uses Within a Conservation Area:

Not applicable, land not within a conservation area.

b. Residential Development:

Not applicable, no residential development proposed.

c. Commercial or Mixed Use Development:

Not applicable, no commercial or mixed use development.

d. Development Within or Adjacent to Historic District:

Not applicable, development not within or adjacent to historic district.

e. Public Facilities or Institutional Development:

Not applicable, no public facility or institutional development proposed.

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

Not applicable, not a commercial structure within tidal waters.

g. Adult Entertainment Establishments:

Not applicable.

Major Development Plan

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 B(2)(b) of the City of Key West Land Development Regulations requires that any proposed non-residential development outside the historic district greater than 5,000 square

feet of gross floor area submit an application for a Major Development Plan. Section 108-196(a) of the Land Development Regulations states "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."

Section 108-198 of the Land Development Regulations states that "the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the Land Development Regulations and based on the intent of the Land Development Regulations and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the Land Development Regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing."

Planning staff, as required by Chapter 108 of the City of Key West Land Development Regulations, has reviewed the following site information for compliance with the City's LDRs and Comprehensive Plan:

Project Data				
	Required/ Allowed	Existing	Proposed	Variance Request
Zoning	S.F	No Change		
Flood Zone	AE- Elevation 8'			
Size of Site	74,923 s.f (1.72 acres)			
Front Setback	30'		105.12'	None Required
East Side Setback	15'		73.08'	
Street Side Setback	20'		82.79'	
Rear Setback	25'		101.67'	
F.A.R	N/A	N/A	N/A	
Building Coverage	35% 26,223 s.f	4% 3,322 s.f	7.5% 5,658 s.f	
Impervious Surface	60% 44,953 s.f	25% 18,822 sf	53% 39,849 s.f	
Open Space/ Landscaping	20% 14,985 s.f	76.5% 57, 331 sf	45.4% 34,023 s.f	
Bicycle Parking	10% 4 spaces	0	8	
Vehicle Parking	37	34	70	
Height	30' for non habitable space	33'	49.62'	19.62'

Concurrency Facilities and Other Utilities or Service:

As required by Objective 9-1.5 of the Comprehensive Plan and Section 108-233 of the Land Development Regulations development plans shall satisfy concurrency management regulations to ensure that facilities and services needed to support the proposed development meet the City’s level of service standards.

The applicant provided a concurrency analysis report for the parcel of approximately 74,923 square feet or 1.72 acres which is used to determine service levels. The proposed project is commercial in nature, volunteers are on site two times a week to manage the church which may increase for special events.

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

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

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

4. **The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and**
There are no facility improvements or additions that are necessary to accommodate the impact of the proposed redevelopment.

5. **The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development:**
This criterion is not applicable, as there are no known facility improvements or additions that will need to be completed for the modification to the development plan.

Fire Protection:

The Fire Marshall’s office has no concerns with the development as proposed.

Other Public Facilities:

Educational facilities, police protection, fire protection, electric power, health care, disaster preparedness and recreational facilities will not experience a change in usage due to the modified proposal because these facilities are currently in place.

Appearance, design and compatibility (Section 108-234)

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

Chapter 102 is not applicable to the proposed project, this site is not located in the historic district.

2. Compliance with Section 108-956:

The requirements for domestic water and wastewater have been addressed in the concurrency management report submitted by the applicant.

3. Chapter 110; Article II:

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

Site location and character of use (Section 108-235):

This site is located in the SF zoning district which allows places of worship as a conditional use only. The character of the zoning district is primarily residential with adjacent commercial and medical/educational uses as well.

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

The proposed structure is larger and taller than the existing structure. To accommodate the proposed steeple, a height variance is required.

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

Existing waste and recycling storage is proposed to be relocated as part of the proposal. Waste is proposed to be kept to the west side of the southwestern parking area and screened. All mechanical equipment and utility hardware areas will be in compliance with Section 108-279 of the Code and screened.

3. Utility Lines (Section 108-282):

New construction is proposed that requires the placement of underground utility lines. Landscaping with shrubs and plants shall be provided to screen pad-mounted transformers if they are installed on site, as required in Section 108-282. Keys Energy has provided a letter for this property requesting that a full set of plans and a project review form be submitted for additional review. An Electrical Site Plan has been provided by the applicant.

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

Not applicable, no commercial and manufacturing activities proposed.

5. Exterior Lighting (Section 108-284)

Lighting is proposed to be installed for safety and security in the parking lot. New fixtures with full cut-offs are proposed to direct the light away from residences and shall be in compliance with Section 108-284.

6. Signs (Section 108-285):

The applicant has an existing sign along Northside Drive. However, a new sign is proposed for the church as shown on the Elevation Plans. As proposed the sign is 6' high by 7'3" in width. According to Code Section 114-71, for property located in the Single Family zoning district, signs are required to be setback 12 feet from all property and right of way lines. The applicant will be required to meet the Code or keep the sign in its non-conforming dimensions

7. Pedestrian sidewalks (Section 108-286):

A pedestrian way from the sidewalk and parking lot to the structure is provided on the site plan.

8. Loading docks (Section 108-287):

N/A

9. Storage Areas (Section 108-288):

An enclosed storage shed is proposed at the southwest corner at the rear of the site.

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

The proposal exceeds on-site parking requirements for a church of this size. Code Section 108-572(3) requires that for every five church seats, one parking space be provided, or one space per 150 square feet of floor area in the main assembly hall, whichever is greater. The applicant is proposing 185 seats, therefore 37 parking spaces are required. However, the applicant has chosen to provide 70 parking spaces to accommodate a primarily commuter congregation and prevent parking impacts off site. Additionally, eight bicycle spaces are proposed.

Housing (Section 108-245):

No residential development is proposed as part of this request.

Economic Resources (Section 108-246):

The applicant will meet all Code requirements for recording tax yields, construction expenditure as applicable throughout the development phases, and projections of permanent employees using appropriate standard industry classification.

Special Conditions (Section 108-247):

The application as submitted complies with the intent of the Land Development Regulations and the City's Comprehensive Plan. The proposed development is not within any special zoning districts, adjacent to the airport or in proximity to waste treatment.

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

As proposed there are two phases of development of this project. The first phase includes the construction of the new building and storage structure, west driveway entrance and west and south parking lot, sidewalks, dumpster pad and enclosure, mechanical courtyard and utilities. The second phase includes the demolition of the existing building, and construction of the east parking lot and utilities, stormwater, fencing, signage and landscaping. The existing building will remain in operation during construction. The applicant expects to start the construction in the next few months (See the attached Construction Management Plan).

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

The proposed development plan includes a landscape design prepared by a landscape architect, as required by Section 108-511(b) of the Code. The applicant is scheduled to go before the Tree Commission on June 21, 2010. This approval shall be conditioned upon the findings of the Tree Commission for the Landscape Plan. Further modifications to the landscape plan may be required (See attached letter from the Urban Forestry Manager in DRC comments).

Off-street Parking and Loading (Article VII):

Article VII, Off-street Parking and Loading, has been previously addressed in this report. The proposed design accommodates ADA access according to the City's ADA coordinator.

Stormwater and Surface Water Management (Chapter 108, Article VIII):

A stormwater plan has been provided that meets Code regulations and has been approved by the City Engineer (See attached Conceptual Drainage Plan).

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

The site is located in Flood Zone AE- Elevation 8'. The proposed development plan will be elevated to 9.16' to meet FEMA standards (8' required) as shown on the architectural drawings and site plan.

Utilities (Article IX):

The proposed redevelopment will use existing utility mains for potable water and wastewater as shown in the concurrency management report. The new facility is proposed to be designed with code compliant water saving fixtures.

RECOMMENDATION:

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

1. That the final landscape plan be approved by the Tree Commission.
2. All site plan revisions dated May 3, 2010 shall be reflected on the civil drawings currently dated March 31, 2010 as well as the landscape plans dated May 24, 2010.
3. Signage must meet Code standards in accordance with Key West Code Chapter 114 Division 2.