

EXECUTIVE SUMMARY



To: Patti McLauchlin, City Manager
Through: Katie P. Halloran, Planning Director
From: Mario Duron, AICP, The Corradino Group
Meeting Date: October 19, 2022

Agenda Item: **Extension of Major Development Plan, Landscape Waiver, and an Affordable Workforce Housing Requirement Linkage Provision – 1319 William Street & 1316 Royal Street Units # 1-6 (RE #00036920-000000) –** A request for a 12-month extension to an approved Major Development Plan, Landscape Waivers, and an Affordable Workforce Housing Requirement Linkage Provision allowing the construction and redevelopment of eight (8) non-transient units for property located within the HMDR zoning district per Section 108-203(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

ACTION STATEMENT:

Request: To extend the Major Development Plan approvals for 12 months under City Commission Resolution No. 21-197.
Location: 1319 William Street & 1316 Royal Street Units # 1-6 (RE #00036920-000000)

BACKGROUND:

In September of 2021, the City Commission conditionally granted Major Development Plan (MDP) approval for property located at 1319 William Street and 1316 Royal Street Units #1-6 (City Commission Resolution No. 21-197). The approval included a waiver to the City's landscape requirements and a linkage of project requirements for affordable workforce housing. The approval under City Commission Resolution No. 21-197 is set to expire on November 21, 2022.

The scope of work under the approved MDP request includes the demolition of the remaining portions of the former palliative center to construct six (6) new single-family homes behind the two (2) existing non-transient rental units facing Williams Street. The approved design has a total of eight (8) non-transient units. Additionally, the Commission approved two (2) landscape waivers. One allowing a reduction to the minimum width of the required landscape area fronting Royal and Williams Street, from twenty (20) feet to

ten (10) feet, and another from the perimeter screening requirement along the entire parking area.

An Affordable Workforce Housing requirement linkage provision was also approved under the MDP request. Per Section 122-1467, projects of less than ten residential units are required to develop or redevelop at least 30 percent of units at an area of at least 400 square feet each for affordable housing (median income). The applicant fulfilled the requirement through the linkage provision in Section 122-1467(1)(b) which allows the affordable housing requirement of one development project to be built or linked to an off-site location, so long as the affordable housing requirement of the latter development is fulfilled as well. The applicant received approval to link to reconstruction of two affordable units at 1703 Von Phister Street (RE #00042950-000000). The site plan for 1703 Von Phister Street was approved in the 2021 resolution.

REQUEST:

The applicant is petitioning for the extension of the MDP as a precautionary measure since the MDP approval is set to expire November 2022. Per Section 3 of Resolution No. 21-197, the Major Development Plan approval is contingent on the “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 12 months after the date hereof...”, with the date hereof being: November 21, 2022. To date, three (3) of the six (6) housing units approved by the MDP are under construction.

The extension request is being filed in conjunction with an ongoing application for minor modification to the approved MDP-- submitted in April 2022. The modification request is to include a phasing plan, which was not considered in the original approval under Resolution No. 21-197. Per Section 108-248 any development containing two or more phases and/or the project's proposed construction schedule is anticipated to exceed a period of one year, the applicant shall be required to submit a construction management plan and inspection schedule as part of the development plan. The minor modification request is slated to appear before the City Commission in November 2022.

Section 108-203(b) of the City's Land Development Regulations governs development plan extension requests in the following manner:

“If the property receiving development plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the development plan approval shall be transferable. A development plan approval may be extended only one time for 12 months by a favorable vote by the body that granted the original approval, if the applicant submits a petition for such extension prior to the development plan's expiration and demonstrates reasonable cause for the extension. The burden of proof in justifying reasonable cause shall rest with the applicant. Subsequent extensions may be granted but shall be fully noticed in accordance with division 2 of article VIII of chapter 90.”

The applicant has suggested that given the expiration date of this project, the applicant has filed this extension request given the length of time needed for the City to review and approve/deny the applicant’s previously submitted phasing request.

MAJOR DEVELOPMENT PLAN REVIEW & APPROVAL PROCESS		
Development Review Committee:	October 22, 2020	Development Review Committee:
Planning Board Approval:	April 22, 2021	(PB Resolution 2021-12)
HARC Approval:	May 25, 2021	(H09-11-03-1259)
Tree Commission Approval:	June 17, 2021	
City Commission Approval:	September 14, 2021	(CC Resolution 21-197)
City Commission Review for Extension:	October 19, 2022	
Local Appeal Period	30 days	
DEO Review	Up to 45 days	

Planning Staff Analysis:

Based on the criteria in Section 108-203(b) of the Land Development Regulations, the applicant requested the petition for extension prior to the development plan's expiration and has demonstrated reasonable cause for the extension.

Options/Advantages/Disadvantages:

Option 1: To approve the extension request.

1. Consistency with the City’s Strategic Plan, Vision, and Mission:

The City’s Strategic Plan, Vision, and Mission do not address this type of request.

2. Financial Impact:

No direct financial impact is anticipated as a result of this specific request.

Option 2:

1. Consistency with the City’s Strategic Plan, Vision, and Mission:

The City’s Strategic Plan, Vision, and Mission do not address this type of request.

2. Financial Impact:

No direct financial impact is anticipated as a result of this specific request.

Recommendation

The Planning Department recommends **approval** of Option 1.