



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chair and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Scarlet Hammons, AICP, The Corradino Group

Meeting Date: January 19, 2023

Agenda Item: **Conditional Use – 1905 Staples Avenue (RE# 00046930-000000):** *REQUESTED FOR POSTPONEMENT* A request for conditional use approval to allow a single-family residence, located in the Limited Commercial (CL) Zoning District, pursuant to Sections 122-61, 122-62 and 122-388(1) of the City of Key West Land Development Regulations.

Request: To allow for a new three-story home to be built on a vacant lot.

Applicant: Trepanier and Associates, Inc.

Property Owners: KW Empire, LLC

Location: 1905 Staples Avenue (RE# 00046930-000000):

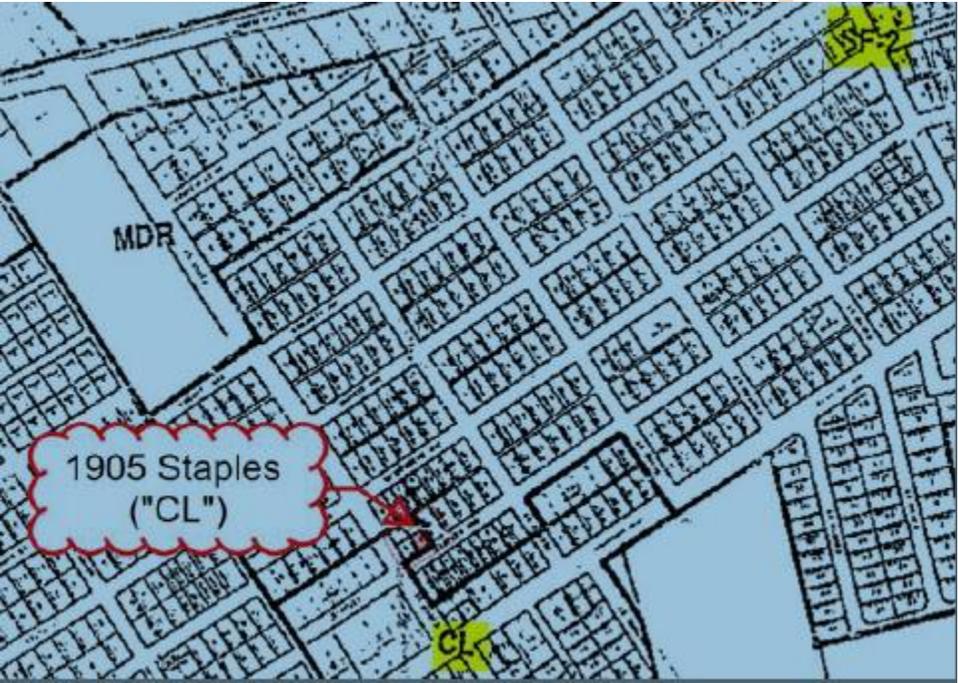
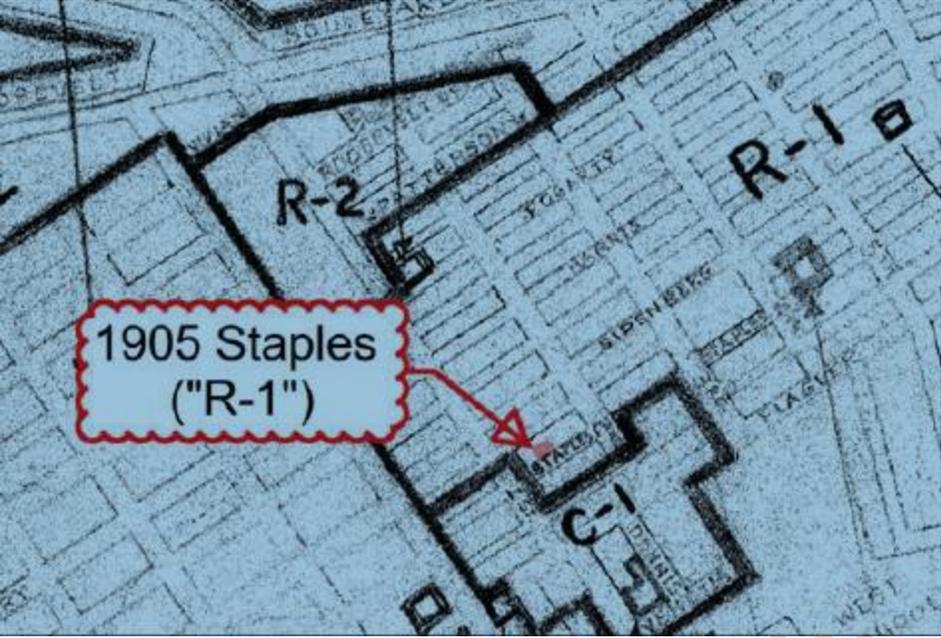
Zoning: Limited Commercial (CL)



Pictures of the existing vacant lot with surrounding land-uses identified

Background:

This report is subject to change given applicant has communicated there may be site design/layout changes. The subject property is located at 1905 Staples Avenue near the corner of First Street. The lot has been in this current condition at least since 1982, per the deed. As depicted on the 1974 Key West zoning map, the property was previously zoned R-1, which allowed single-family homes by right. When the City updated the zoning map in 1986, this property was rezoned to Limited Commercial (CL) which states that single-family dwellings and multi-family dwellings are conditional uses in this zoning district and shall be reviewed through certain criteria in Land Development Regulations Section 122-62.



The lot is approximately 50' X 51' or 2,550 square feet, and is the result of multiple subdivisions along this block of Staples Avenue. The minimum lot size in the Limited Commercial zoning district is 10,000 square feet with minimum width of 70 ft and minimum depth of 100", so this property is approximately ¼ the minimum legal lot size for this zoning district. In 1969 the entire property known as 1905 Staples Avenue was owned together with its adjacent properties known as 1411 First Street and 1415 First Street. In 1972, the northern portion of the lot was separated as 1411 First Street, and in 1982, 1415 First Street was separated, leaving the remainder lot of 1905 Staples Avenue as it exists today. Given these

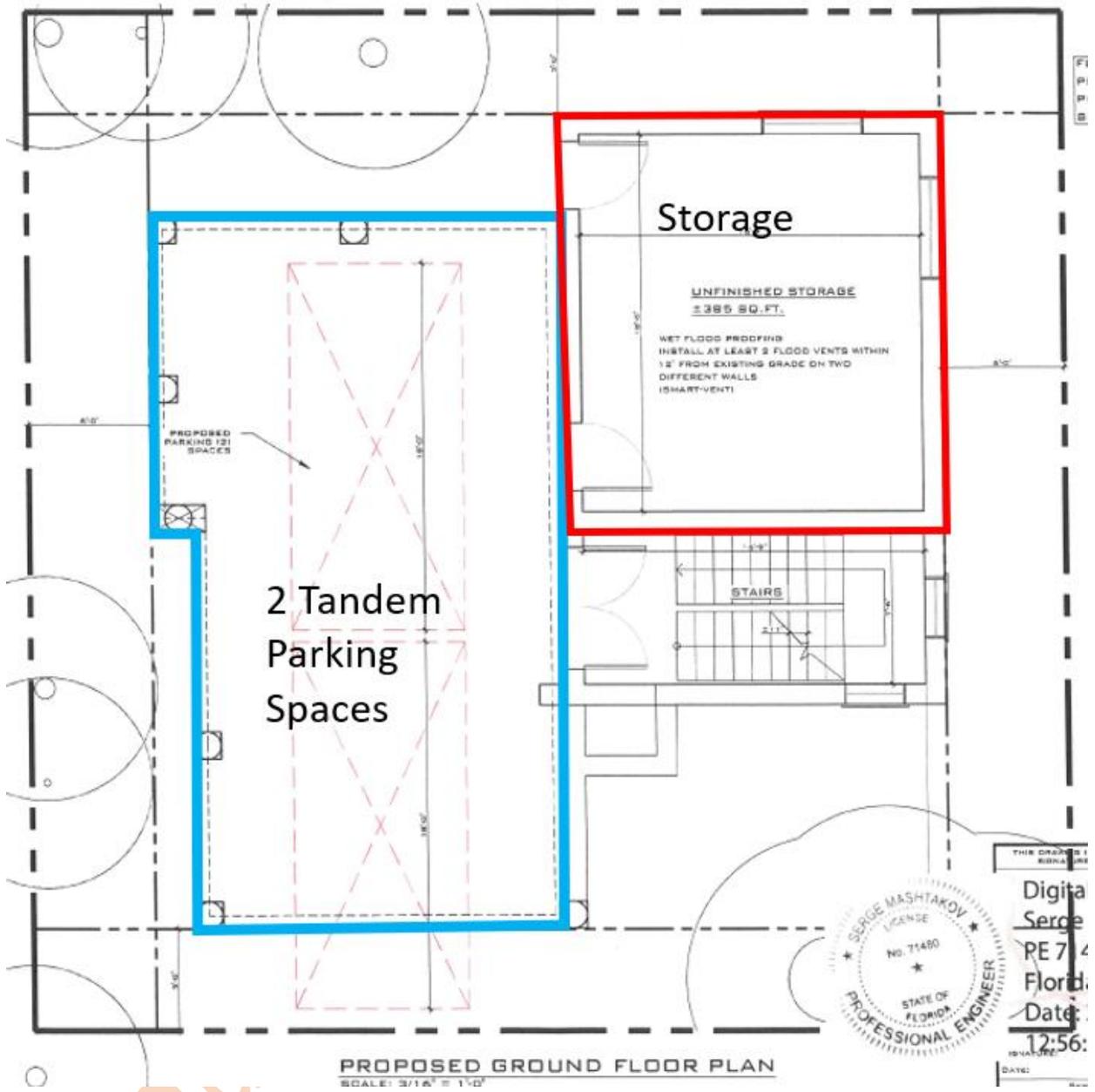
aforementioned subdivisions occurred prior to 1997, it appears that this property is legal non-conforming to the current zoning district's minimum size, width and depth requirements. The property has remained vacant with no structures since it was last divided; there are six mature mahogany trees and a strangler fig on the property today. The owner has stated that his intent is to maintain the existing tree canopy and that the building and site conditions, such as a swale, will not affect the trees (including the root systems). Additional shrubs are intended to further enhance the property. The current property owner purchased the site in late 2021, according to the Monroe County Property Appraiser. The property was awarded one BPAS unit in 2021.

Request:

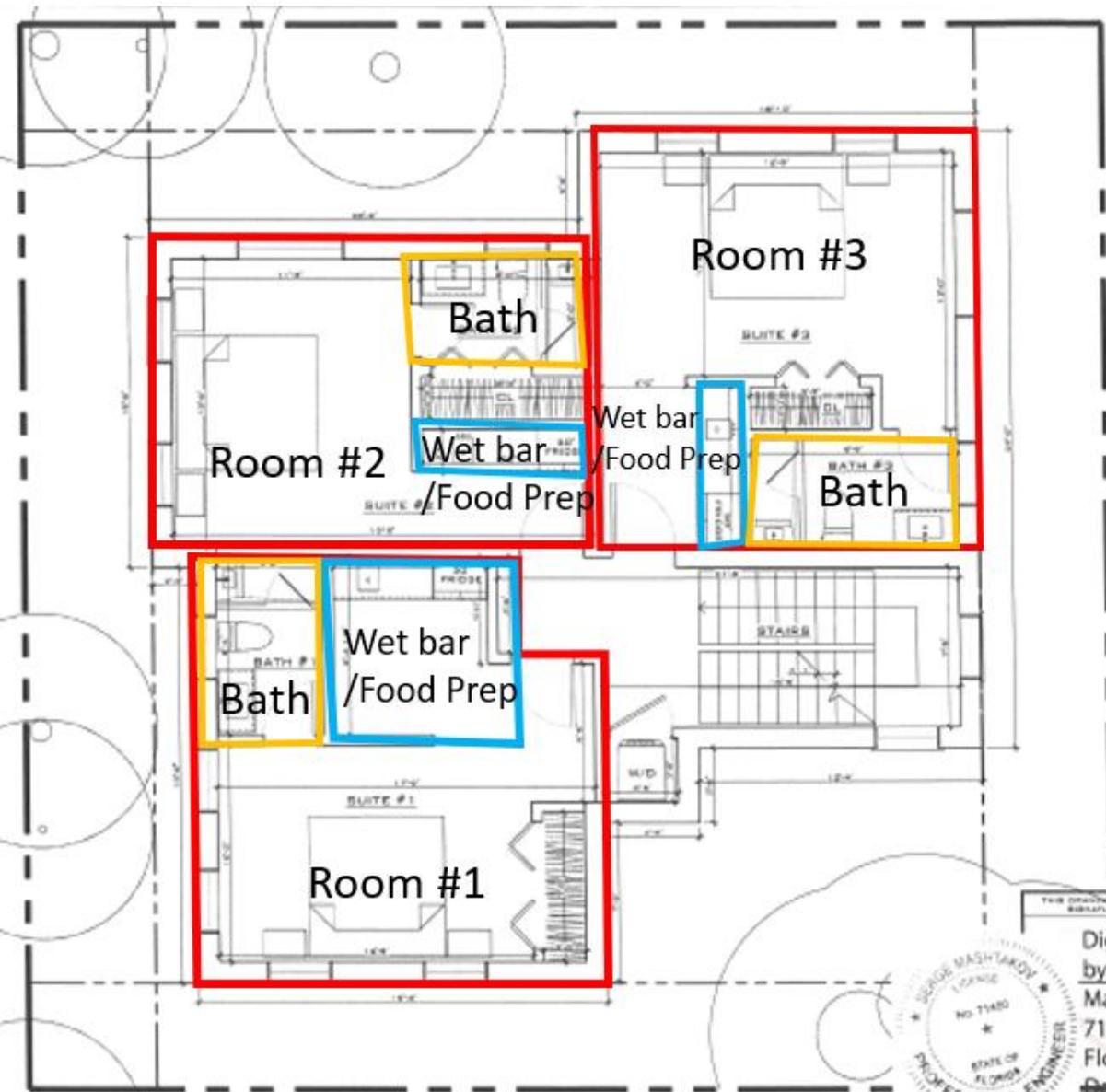
This application is a request for conditional use approval to construct one single-family home. Pursuant to Sec. 122-388, single-family homes require conditional use approval in the Limited Commercial zoning district. The project is also requesting variances in a companion application. The site is located in the AE7 flood zone, and proposes to have all habitable living areas beginning on the second level with only a carport and storage on the first level. The carport would provide for two tandem parking spaces and one bicycle space.

While the applicant has stated this is intended to be used as a single-family home, it is staff's opinion that the design and layout of the building is such that this must be considered a multi-family structure, which could accommodate five (5) separate units. The house, as proposed is 4 bedrooms and 5 bathrooms with culinary facilities (wet bars and refrigerators, etc.) located within each of the suites, including the master suite. There is a common living area with a full kitchen and a separate bathroom that has a separate entry door and appears to be convertible to a fifth living suite or studio. Each room has ensuite bathrooms, allowing for each room to be an independent living quarter, and lockable doors that appear to fit the definition of "lock-out" unit. In addition, the common living area and the full kitchen are located on the top level of the building. This allows for the three rooms on the second floor (each with culinary facilities and separate bathrooms) to have direct access from the main entrance without the need to pass through the common area. The main room on the top level also contains a full living area with a wet bar and a full pantry. These are all factors that upon close review by staff, create a structure that will function as a multi-family building without the allotted BPAS units allocated. In addition, it would far exceed the allowable density and would not provide adequate parking for the potential five (5) household units, as proposed by the building layout. Further, the property owner has stated that the structure is being proposed to house employees. Although staff recognizes the City's need for housing, it is incumbent on staff to establish density and BPAS unit counts for all projects to adhere to state growth management laws.

The maximum density for CL properties is 16 dwelling units/per acre. Given the lot size of 2,550 square feet, the maximum density for this property is one dwelling unit. The property has only one associated Building Permit Allocation System unit.



Req

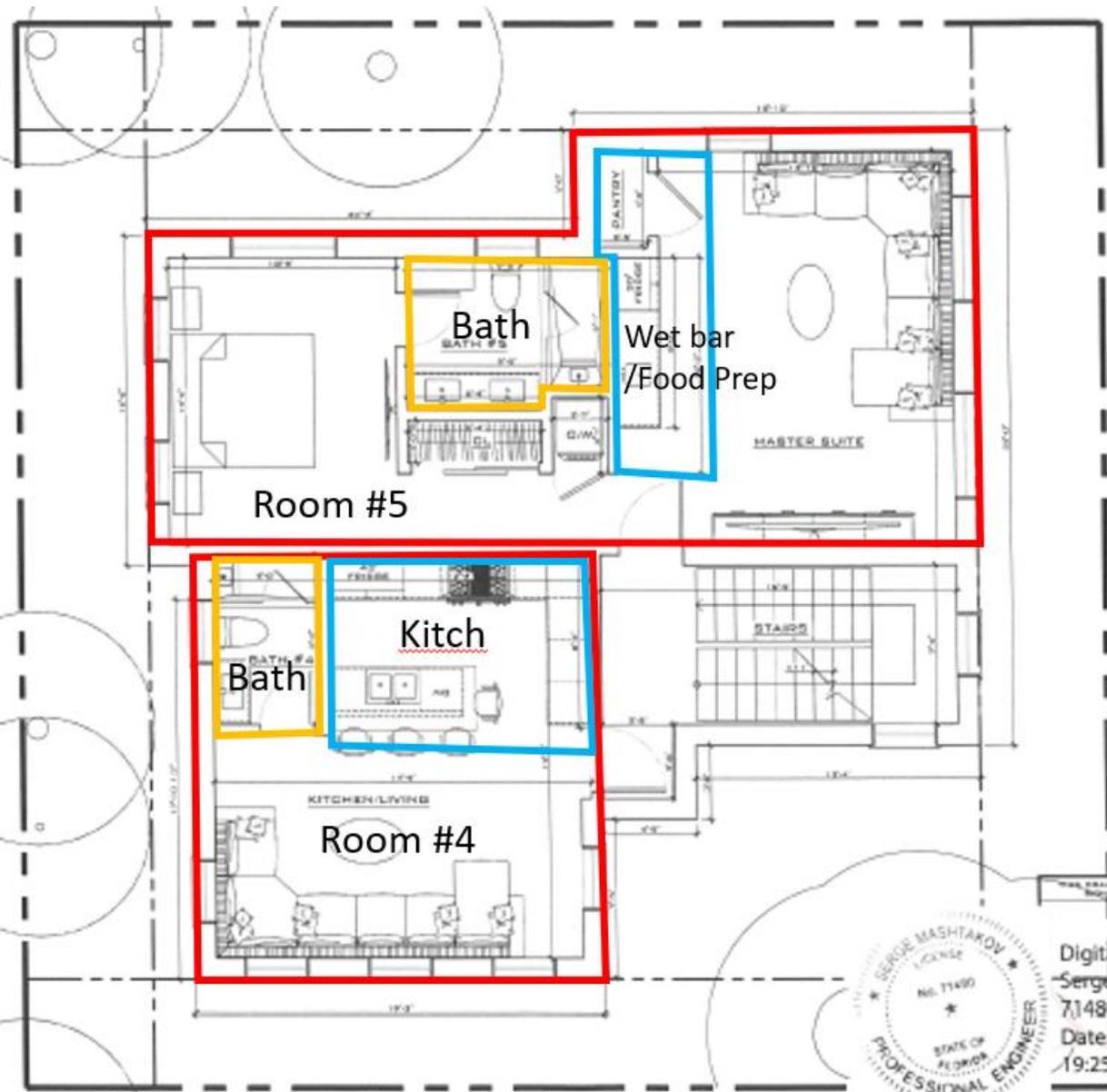


PROPOSED 1ST FLOOR PLAN #1
SCALE: 3/16" = 1'-0"



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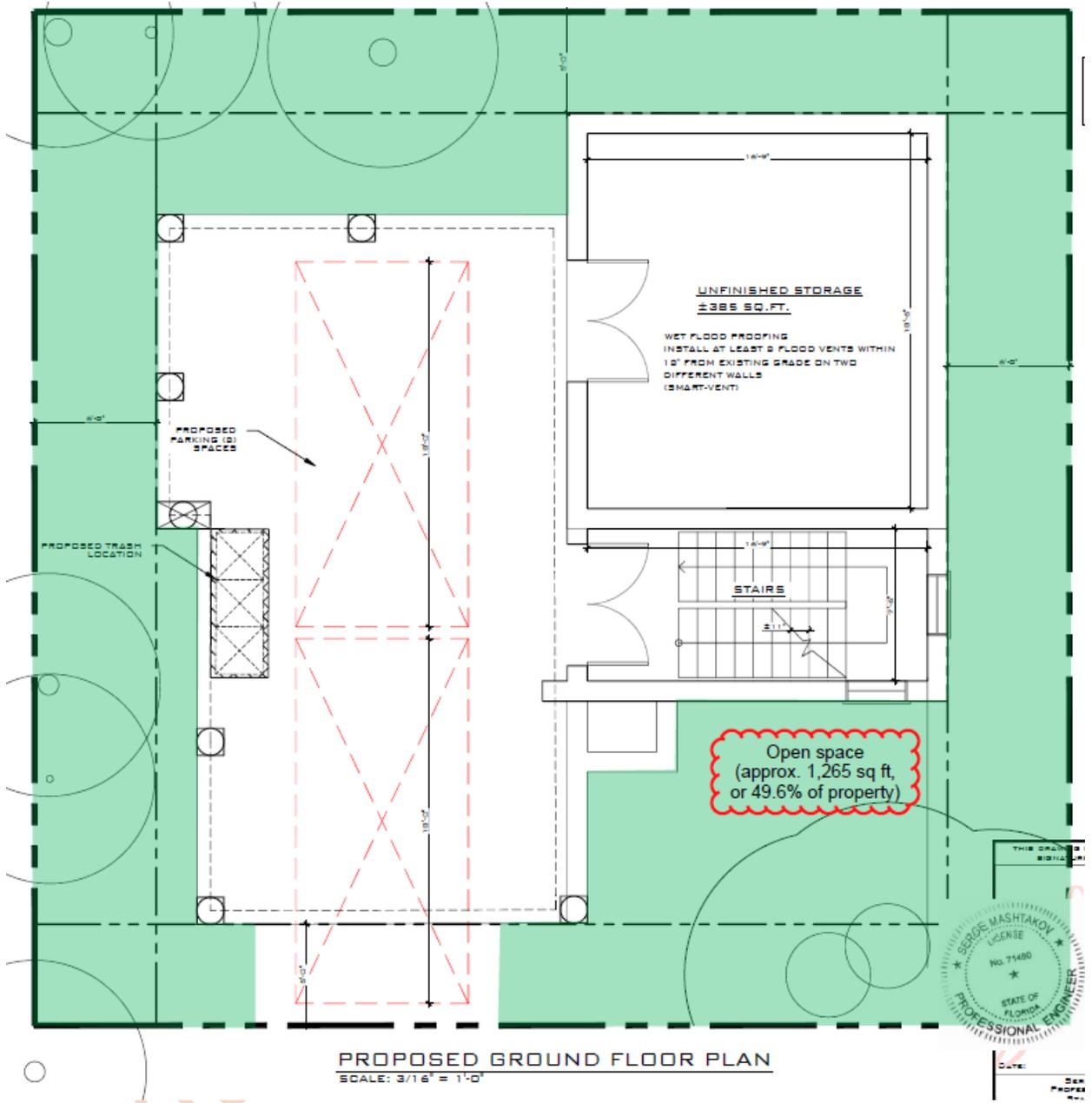


PROPOSED 2ND FLOOR PLAN
 SCALE: 3/16" = 1'-0"



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Surrounding Zoning and Uses:
North: CL, low impact commercial shops
South: SR-2, single-family home
East: SR-2, single-family home
West: CL, low impact commercial shops

Process:

Development Review Committee: October 27, 2022
Planning Board: January 19, 2023
Local Appeal Period: 10 days
DEO Review: Up to 45 days

Conditional Use Review: The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure 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. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Conditional Use Specific Criteria pursuant to Code Section 122-62:

(a) Findings

Code Section 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 a review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” This 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 averse to the public’s interest.”

(b) Characteristics of Use

Restaurants, excluding drive throughs, are a conditional use in the HNC-2 zoning district. The HNC-2 zoning district is restricted to small offices, neighborhood shops, restaurants with very limited seating, or other commercial uses similar in character to traditional neighborhood commercial services which have very limited square footage and generate low volumes of traffic.

(1) Scale and intensity of the proposed conditional use as measured by the following:

a. Floor area ratio (FAR): Not applicable to residential development.

b. Traffic generation: A single-family home would generate 10 vehicle trips per day (as stated per the applicant). Five units would generate 2 AM peak hour vehicle trips and 3 PM peak hour trips per day (per the ITE Trip Generation Manual).

c. Square feet of enclosed space for each specific use: The proposed home is approximately 2,240 square feet. No other space is proposed as part of this application.

d. Proposed employment: N/A

e. Proposed number and type of service vehicles: There are no proposed service vehicles.

f. Off-street parking needs: the code requires one space per dwelling unit, the project proposes two tandem parking spaces in a carport. Given that the building will function as a multi-family structure, the minimum parking spaces per code will not be met and there will be a potential deficit of eight parking spaces.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

a. Utilities: The property has adequate utilities to support the proposed use.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94: None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance.

c. Roadway or signalization improvements, or other similar improvements: None.

d. Accessory structures or facilities: None.

e. Other unique facilities/structures proposed as part of site improvements: None proposed.

(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

a. Open space: Residential uses shall provide a minimum of 35% open space (893 square feet); the project is proposing 48.9% open space (1,248 square feet).

b. Setbacks from adjacent properties: The site does not meet the required setbacks for front, rear or either side. Variances are requested as part of a companion application to this approval.

c. Screening and buffers: Appropriate screening is existing and proposed for the site, which is adjacent to low impact commercial uses and requires a buffer yard "C".

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites: No landscape berms are required or proposed as part of this development.

e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts: There is no expected excessive noise, odor, heat, or smoke from the home. Light from the second and third levels may be visible to neighboring properties. Landscaping is proposed to mitigate this potential impact.

(c) Criteria for conditional use review and approval

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility: The conditional use for a new multi-family structure is only partially compatible with the surrounding area in that the neighborhood contains many other single-family homes on this same block and some multi-family structures in the neighborhood. The neighborhood is also made up of low intensity commercial. The lack of adequate parking for 4 to 5 units would not be compatible with the surrounding uses in that if all suites have 1-2 occupants and cars or trucks, their 5-10 vehicles would have to park on the street. The benefit of this location is that the City does consider Staples Avenue to be a "bicycle greenway" and is working toward planting more trees, and adding wayfinding to further encourage bicycle

transportation in lieu of single occupancy vehicle use. The property owner, however, has not stated that tenants will not have personal vehicles.

- (2) **Enough site size, adequate site specifications and infrastructure to accommodate the proposed use:** The size and shape of the site are not adequate to accommodate the proposed scale and intensity of the conditional use requested. There are multiple variances requested to accommodate this proposed home due to the small size of the lot. As noted above, on-site parking will not be adequate if all tenants have personal vehicles, and the number of parking spaces proposed does not meet the requirements of the code.
- (3) **Proper use of mitigative techniques:** No mitigative techniques have been proposed.
- (4) **Hazardous waste:** None expected or anticipated.
- (5) **Compliance with applicable laws and ordinances:** As a single-family unit, the use will comply with all applicable laws and regulations that would be required. As a multiple unit structure, it will not comply with the zoning density, nor with the BPAS allocation which limit the lot to one single unit. Staff has determined that the interior layout and ultimate functionality of the structure is most closely related to that of a multi-family building.
- (6) **Additional criteria applicable to specific land uses:** Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
 - a. **Land uses within a conservation area:** The site is not located in a conservation area.
 - b. **Residential development:** The project, as proposed by the applicant is one single-family home on an existing vacant parcel. As a multi unit building, there is potential for adverse impacts, including spill-over parking into the surrounding neighborhood.
 - c. **Commercial or mixed-use development:** The proposed use is compatible with similar uses within this zoning district as well as district regulations.
 - d. **Development within or adjacent to historic district:** The conditional use application is not within the historic district.
 - e. **Public facilities or institutional development:** No development of public facilities or institutions are proposed.
 - f. **Commercial structures use and related activities within tidal waters:** The site is not located within tidal areas.
 - g. **Adult entertainment establishments:** No adult entertainment is being proposed

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **Denied**, given that the property does not have density for multiple units or multiple BPAS allocations and the structure is designed for multiple households.

If the Planning Board chooses to approve the Conditional Use, the Planning Department recommends the following conditions:

General conditions:

1. The proposed construction shall be consistent with the plans, signed, sealed and dated 8/5/22 by Artibus Design for 1905 Staples Avenue.
2. The single-family home will not utilize lock-out units, which include rooms that are locked or keyed separately from the principal entry.
3. All wet bars are to be no greater than a total of 16 square feet, including a 1 square foot sink.
4. No more than a maximum of 4 unrelated adults may rent the property.
5. The covered area on the first floor will be designed to accommodate at least three Code-compliant bicycle parking spaces.

Conditions prior to obtaining a Building Permit:

6. Solid waste and recycle service will need to be set up through Waste Management.
7. Depth of swales should be reduced to ½ foot, due to swale width and 4:1 slope. 106 cubic feet of swale retention is required, resulting in six-inch swale depth. Scale locations should be adjusted and/or reduced to avoid impact to tree roots.
8. Plans for construction must contain best management practices details for soil erosion and sediment control, and location for concrete truck wash-out.
9. Installation of a new sewer cleanout must be coordinated through the City Utilities Department.
10. A final landscape plan will be reviewed and approved by the Urban Forestry Manager.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

11. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance Department shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.
12. The required landscape buffer shall be planted, inspected and approved by the Urban Forestry Manager.