

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



To: Chair and Planning Board Members

From: Vanessa Sellers, Planner II

Through: Patrick Wright, Planning Director

Meeting Date: January 17, 2019

Agenda Item: **Conditional Use – 5610 College Road (RE # 00072080-001300; AK # 1075990)** – A request for conditional use approval to allow for the construction of a private and public utility on property located within the Public and Semipublic Services District (PS) zoning district pursuant to Chapter 122, Article III and Section 122-1018 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

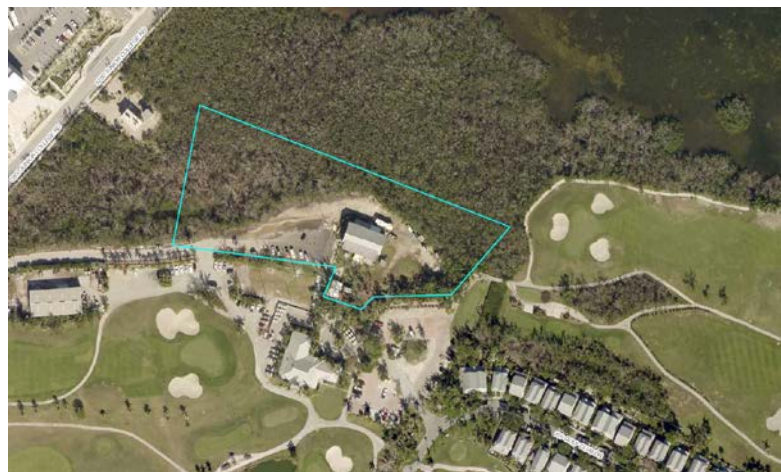
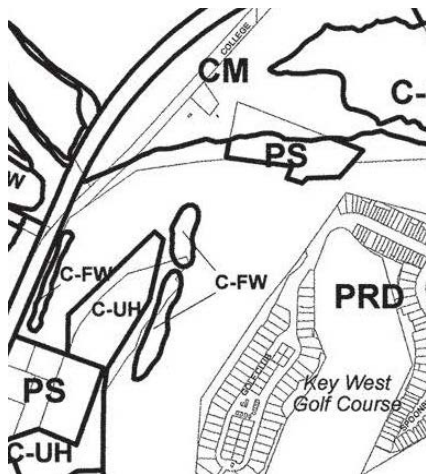
Request: A conditional use approval to allow for the installation of a single 125-foot utility pole for antennae and a forty-foot by forty-foot elevated platform to store equipment.

Applicant: Key West Telco, LLC

Property Owner: Arthur Sawyer Post 28 American Legion

Location: 5610 College Road, Key West

Zoning: Public and Semipublic Services District (PS)



Background:

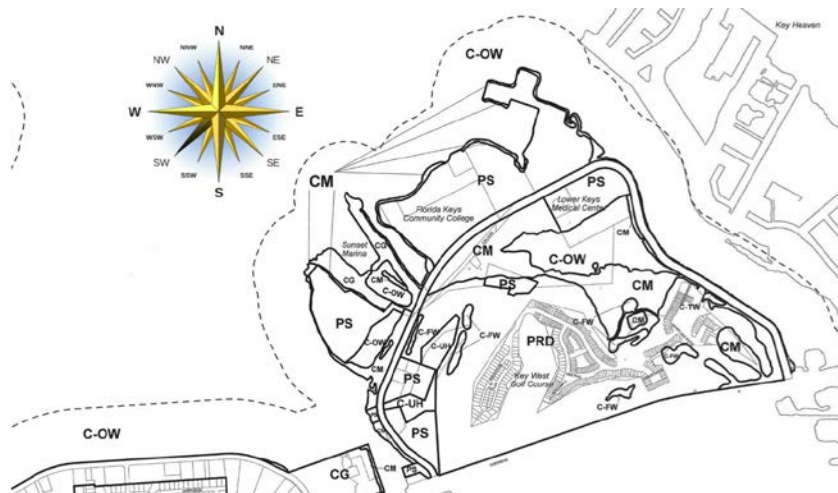
The applicant is requesting a conditional use permit in order to install a wireless telecommunications facility towards the rear of the parcel at 5610 College Road. Public and private utilities are a conditional use of the Public and Semipublic Services (PS) zoning district. The utility use will be in addition to the parcel’s current use as the Arthur Sawyer American Legion Post 28.

The proposed wireless telecommunications facility will consist of a single 125-foot utility pole for antennae and a forty-foot by forty-foot elevated platform to store equipment. The applicant has submitted a letter from AT&T that states a need for improved coverage in the area. The letter includes a map of the existing coverage levels, and a map showing the improvements expected with a new antenna.

The request for a conditional use permit is associated with an application for a height variance because the height of the structure exceeds the maximum allowable height of the PS zoning district. The height variance component will be scheduled to be heard by the Board of Adjustment at a duly noticed public meeting if the conditional use permit request is approved by the Planning Board.

Surrounding Zoning and Uses:

- North:** CM - mangroves
- South:** PRD - residential dwelling units, golf clubhouse
- East:** C-OW - mangroves, golf course
- West:** CM - mangroves



Process:

| | |
|-------------------------------|-------------------|
| Development Review Committee: | November 15, 2018 |
| Planning Board: | January 17, 2019 |
| 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 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 adverse to the public’s interest.”

(b) Characteristics of use

The proposed use is a wireless telecommunications facility. Part of the property is currently operating as an American Legion Post, used for formal business for its members and a bar open to the public. The front boundary of the property is located about 550-feet from College Road and the proposed facility will be about 900-feet from College Road. Although a large portion of the property is located in the Conservation-Mangrove (CM) zoning district, no development is proposed within that portion of the parcel.

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

a. Floor area ratio (FAR):

The proposed construction and additional use will not add additional floor area to the property.

b. Traffic generation:

According to the application, the proposed antennae will generate 2 visits per month per service provider. Staff is unable to corroborate the proposed traffic generation because the Institute of Transportation Engineers (ITE) Trip Generation 7th Edition Volume 2 of 3 does not provide data for a similar land use. However, staff does not anticipate the private/public utility use will generate an unreasonable or significant change in trip generation at the property above the current uses.

c. Square feet of enclosed space for each specific use:

There are two specific uses existing within the 7,185-square-foot building itself: clubhouse and bar. As depicted in the plans and application, the new use will be separate from the existing uses and will not have enclosed space.

d. Proposed employment:

No additional employment is proposed. The existing employment for the American Legion will remain the same. However, the applicant expects the new utility use will generate two visits per month per provider. The applicant is proposing one off-street parking space designated for use by these visitors.

e. Proposed number and type of service vehicles:

Staff does not anticipate any adverse impacts from service vehicles.

f. Off-street parking needs:

The parcel contains a total of fifteen (15) paved off-street parking stalls, of which one (1) is handicap accessible. Although section 108-572 does not set a minimum off-street parking requirement for the new proposed use, the applicant is proposing an additional 12-foot by 20-foot parking stall to be created for use by the service providers' technicians during their proposed bi-monthly visits.

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

a. Utilities:

Based on comments at the DRC, Keys Energy has no objections to this conditional use request. However, if three-phase high voltage is necessary to accommodate the new use, a line extension will need to be financed by the applicant. In addition, Keys Energy Services also requires a complete project review form to ensure that sufficient energy will serve the property and its surrounding neighbors.

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. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

c. Roadway or signalization improvements, or other similar improvements:

None expected.

d. Accessory structures or facilities:

None proposed.

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:

Pursuant to section 108-346, nonresidential uses shall provide a minimum of 20 percent open space. The parcel is currently conforming to commercial open space

requirements, and the proposed installation and paved parking space will not reduce the open space ratio to a nonconforming percentage.

b. Setbacks from adjacent properties:

The installation and parking stall will be in compliance with the minimum setback requirements of the PS zoning district.

c. Screening and buffers:

Landscape screening and buffers are proposed in the landscape plan.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites:

A landscape plan was submitted with the application for conditional use.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts:

No smoke, odor, noise, or other noxious impacts are expected.

(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 proposed use would be located in the PS zoning district. Per Section 122-1016, the intent of the PS zoning district is to provide a management framework for implementing comprehensive plan policies for areas located outside of Old Town which are designated “PS” or “M” on the future land use map.

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

The size of the site and its specifications is adequate to accommodate the proposed scale and intensity of the conditional use requested. According to Keys Energy Services, there is single-phase high voltage to service this project at 120/240 volts. If three-phase high voltage is necessary to accommodate the new use, a line extension will need to be financed by the applicant. In addition, Keys Energy Services also requires a complete project review form to ensure that sufficient energy will serve the property and its surrounding neighbors.

(3) Proper use of mitigative techniques:

No adverse impacts anticipated.

(4) Hazardous waste:

None expected or proposed.

(5) Compliance with applicable laws and ordinances:

Compliance with all applicable laws and regulations would be required.

(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:** Not applicable. Although a portion of the parcel at 5610 College Road is in the Conservation Mangrove zoning district, no development is proposed in that area.
- b. Residential development:** Not applicable.
- c. Commercial or mixed-use development:** No negative impacts expected.
- d. Development within or adjacent to historic district:** The development is not located within or adjacent to the Key West Historic District.
- e. Public facilities or institutional development:** Not applicable.
- f. Commercial structures, uses and related activities within tidal waters:** Not applicable.
- g. Adult entertainment establishments:** Not applicable.

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 **APPROVED WITH CONDITIONS** as follows:

General conditions:

1. The conditional use and site improvements/renovations shall match approved plans dated October 4, 2018 by Russell C. Morrison, Engineer.
2. The proposed landscape plan dated August 15, 2018, by David Knoll, Architect, shall be reviewed by the City's Urban Forester and may be modified if necessary.
3. A height variance is needed prior to the issuance of building permits due to the proposed height of the structure. Pursuant to Section 122-63 (e), a conditional use shall expire if construction has not commenced within twelve (12) months of approval.