

The City of Key West
Planning Board
Staff Report



To: Chair and Planning Board Members
From: Melissa Paul-Leto, Planner I
Through: Katie Pearl Halloran, Planning Director
Meeting Date: February 18, 2021
Agenda Item: **Variance – 111 Olivia Street – (RE# 00014720-000000)** – A request for variances to the maximum building coverage, maximum impervious surface, minimum open space, and minimum required off-street parking spaces for property located within the Historic Neighborhood Commercial (HNC-3) Zoning District pursuant to Sections 90-395, 122-870(4)(a), 122-870 (4)(b), 108-346 (b), 108-572 (3), and 108-650(7) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting variances for four required (4) off-street parking spaces, maximum building coverage, maximum impervious surface, and minimum open space requirements in order to construct a two-story community center.

Applicant: Erica Poole, K2M Designs

Property Owner: City of Key West

Location: 111 Olivia Street – (RE# 00014720-000000)

Zoning: Historic Neighborhood Commercial (HNC-3) Zoning District

Demolition has been requested for the subject structure.



Background:

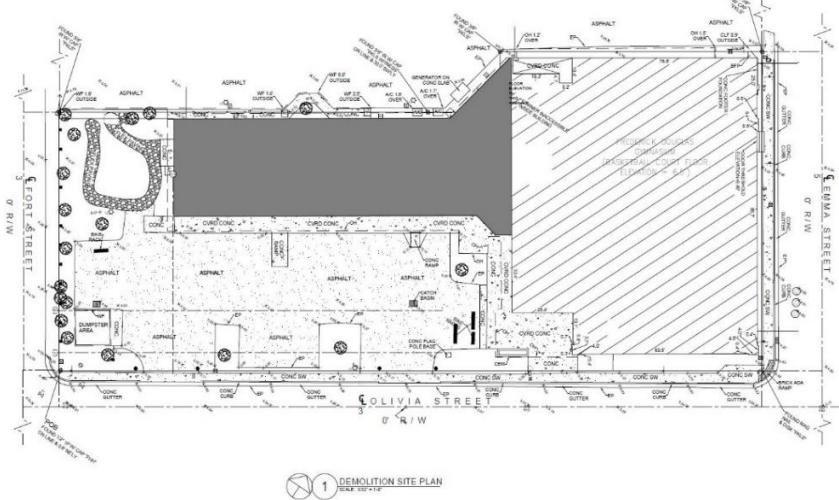
The property at 111 Olivia Street is located within the Historic Neighborhood Commercial (HNC-3) zoning district and is one lot of record. The site is known as the Frederick Douglass Gym / Roosevelt Sands Center. The “Annex” or addition to the Frederick Douglass Gym is the subject of this multi-part application. The applicant, the City of Key West, has proposed to demolish the existing Annex building. The proposed new structure will face Olivia Street, moving from the rear to the front of the lot.

The applicant has submitted a parking variance in conjunction to variances to the dimensional requirements for maximum building coverage, maximum impervious surface, and to the minimum open space requirements for the Historic Neighborhood Commercial (HNC-3) zoning district. These requests must be approved before the Planning board may contemplate the City’s application for the proposed Major Development Plan and Conditional Use permit needed for project approval. The Board must also determine whether to grant a landscape waiver for this site.

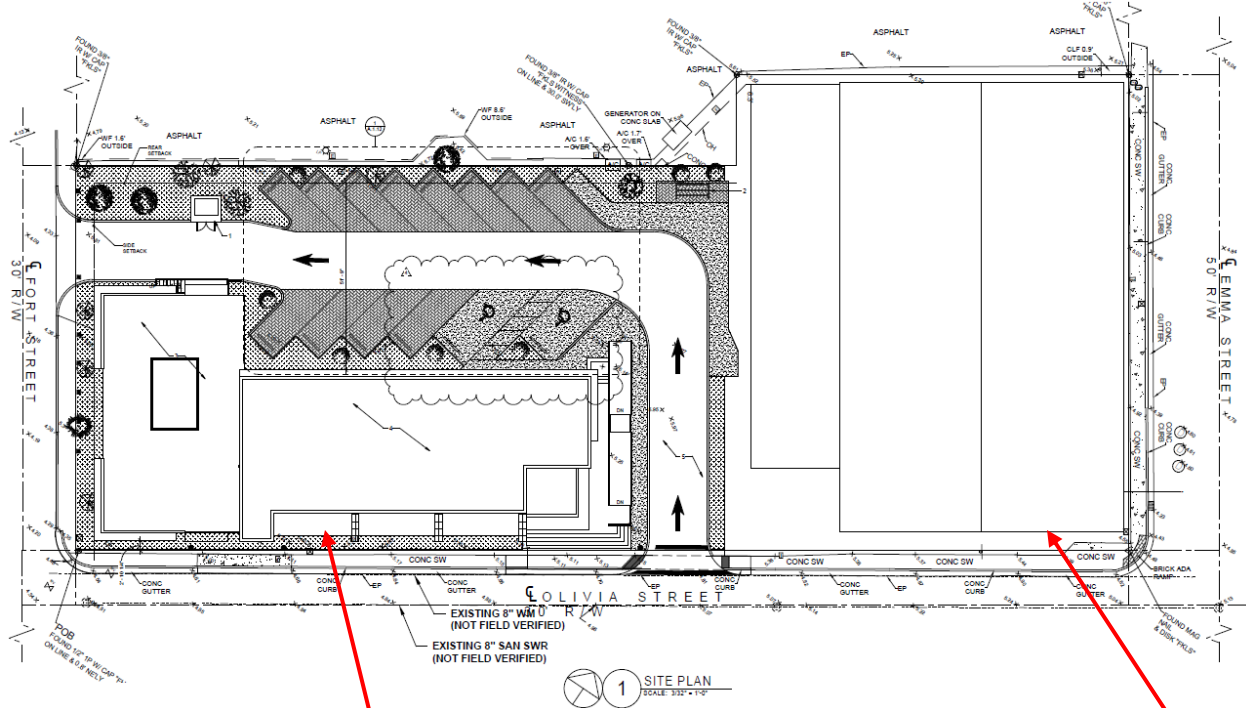
The existing Annex Building



The existing Annex Building currently provides space for The Bahama Village Music Program and a tutoring program.



The Demolition Site Plan below indicates in grey the structure that is slated for replacement.



Proposed two-story structure.

The existing Fredrick Douglass Gym.

The proposed location of the new two-story structure will be on the corner of Fort and Olivia Streets. The proposed structure will include the following services /uses: a community center with a commercial kitchen, a computer lab, a music room, a sound studio, a main hall assembly space, classrooms, and offices.

The proposed Frederick Douglas Gym “Annex” project is required to provide a total of forty-six (46) standard off-street parking spaces per Section 108-572(3) “Schedule of off -street parking requirements by use generally”, and two (2) of the required off street parking spaces must be ADA accessible spaces per Chapter 108, Section 108-650.- “Provision for handicapped parking and loading zones”. The minimum requirement per 108-572 (3) for churches; public or private schools, libraries, or museums; public buildings; public or private auditoriums, community centers, theatres, facilities and other places of assembly is one (1) standard parking space per five seats or one (1) standard parking space per 150 square feet of floor area in the main assembly hall, whichever is greater. If all the necessary approvals are granted for the proposed development, there would be a total of two (2) assembly halls on the premises. The Frederick Douglass Gym renovation which was approved per Resolution No. 2015-13 provides a 6,771 square foot assembly hall. The proposed Frederick Douglass “Annex” structure would provide a 2,379 square foot assembly hall. The greater assembly hall of 6,771 square feet triggers the minimum parking requirements for this proposed development.

The applicant is requesting a parking variance for four (4) off-street parking spaces. The proposed design includes (2) two on-site ADA accessible parking spaces, (4) four standard vehicular spaces, and (8) eight compact parking spaces. This project will accommodate thirty-six (36) standard parking spaces off-site as described below.

The proposed site plan design incorporates the maximum number of on-site vehicular parking spaces while allowing safe and lawful driveway clearance from Olivia to Fort Street for the passage of fire vehicles. The building has been designed as a two-story structure to balance impacts to existing landscaping and parking, and to maximize the utility of this new building to the Bahama Village community. Many visitors to the site will be pedestrians, while others may utilize the 21 bicycle parking spaces that will be provided.

Most of the parking for the Major Development Plan and Conditional Use shall be fulfilled by using on-site and off-site parking. Four (4) standard parking spaces will be provided on-site and thirty-six (36) standard parking spaces will be provided off-site. Chapter 108 of the Land Development Regulations includes Section 108-576(a), "Location of off-street parking spaces", which allows required off-street parking to be located off-site provided that the off-site parking lot has an appropriate zoning designation, is within 500 feet of the principal structure of the activity, and when applicants have provided satisfactory evidence of a deed restriction or easement providing for such required parking for the duration of the principal use.

The parking lot at 918 Fort Street (the "Fort Street Parking Lot") is located within the Historic Public and Semipublic Services District-1 (HPS-1); this zoning district allows parking lots as permitted uses (City of Key West Code of Ordinances Section 122-967). The Fort Street Parking Lot is located approximately 45 feet from the proposed Annex building and approximately 230 feet from the Frederick Douglass Gym. The Fort Street Parking Lot is owned by the City of Key West, and currently unencumbered. The City of Key West shall retain the public parking lot on Fort Street for the duration of the principal use of the Frederick Douglass Gym and Annex building. Strict application of the Code requirement (Section 108-576 (a)) for a deed restriction/easement under these circumstances creates a hardship for the applicant as the Fort Street Parking Lot is a public parking lot which cannot be sold by the City without a referendum.

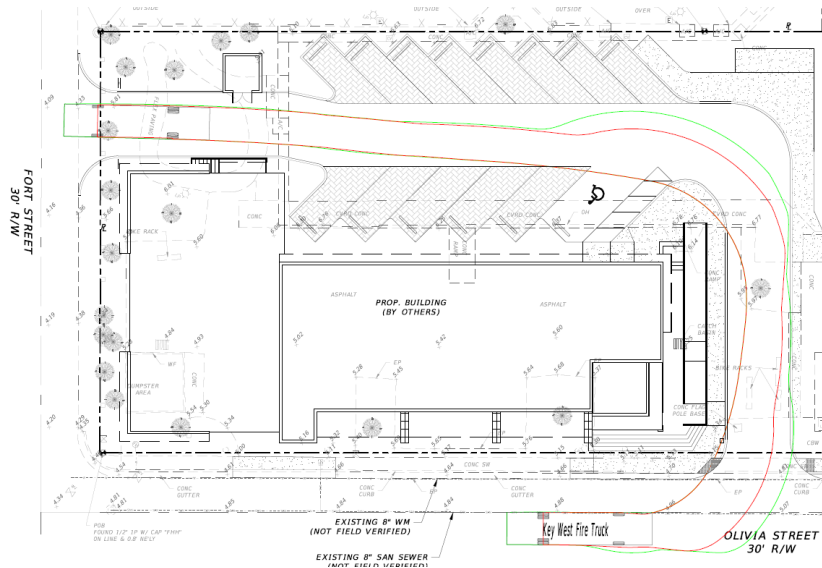
Signage indicating that off-site parking is available at the Fort Street Parking Lot shall be installed on the project site at 111 Olivia Street. Proposed off-site parking signage shall be reviewed and approved in accordance with adopted Historic Architectural Review Commission guidelines.

The property currently consists of two main structures: The Frederick Douglass Gym, 12,153 square feet in total (a two-story gym building), and the one-story Annex building, 6,095 square feet in total. The parcel is currently non-conforming to the minimum parking requirements, the maximum building coverage, the maximum impervious surface and, to the minimum open space requirements in the Historic Neighborhood Commercial (HNC-3) zoning district.

The proposed new Annex building project will modestly decrease the existing onsite noncomplying building coverage and impervious surface coverage (see paragraph below). However, City Code Article II, "Nonconformities", Section 122-28(d)(ii), establishes that for voluntary reconstruction or replacement of properties without dwelling units, ". . . if voluntarily destroyed to the extent that reconstruction or replacement would exceed 50 percent of the property's appraised or assessed value, the applicant must apply to the planning board for a variance." The extent of the proposed Annex project work triggers required variances; exact dimensional overages are outlined in the following paragraph.

The applicant is requesting variances to the following dimensional requirements: The required maximum building coverage is 40%, or 13,600 square feet, existing building coverage on site is 62%, or 20,924 square feet. Whereas, the applicant is proposing a total of 60% building coverage, or 20,380 square feet. The required maximum impervious surface is 60%, or 20,400 square feet, existing

impervious surface is 89%, or 30,361 square feet. Whereas, the applicant is proposing 84%, or 28,710 square feet. The required minimum open space is 20%, or 6,800 square feet, existing open space is 11%, or 3,639.94 square feet. Whereas, the applicant is proposing 16%, or 5,291 square feet.



Fire Truck Vehicle Tracking Plan *Does not include updated parking design

The following table summarizes the requested variances.

Relevant Parking Requirements for a Community Center: Code Section 108-572 (3)				
Dimensional Requirements	Required/ Allowed	Existing	Proposed	Variance needed
Minimum Lot Size	4,000 square feet	34,001.17 square feet	34,001.17 square feet	None
Maximum Height	30 feet	30 feet	30 feet	None
Maximum Building Coverage	40% 13,600 square feet	62% 20,924 square feet	60% 20,380 square feet	Variance needed 20%, 6,780 square feet
Maximum Impervious Surface	60% 20,400 square feet	89% 30,361 square feet	84% 28,710 square feet	Variance needed 24%, 8,310 square feet

Dimensional Requirements	Required/ Allowed	Existing	Proposed	Variance needed
Minimum Front Setback	None	None	None	None
Minimum Side Setback	5 feet	5 feet	5 feet	None
Minimum Street Side Setback	7.5 feet	7.5 feet	7.5 feet	None
Minimum Rear Setback	15 feet	15 feet	15 feet	None
Minimum Off-Street Parking	1 space / 150 square feet = 46 spaces	19 vehicular off-street spaces	6 standard off-street spaces, 8* compact spaces & (36 standard off-site spaces provided)	Variance needed for 4 off-street parking spaces
Minimum bicycle spaces	35% of off-street parking spaces= 17 bicycle spaces	8 bicycle spaces	21 bicycle spaces	None
Minimum Open Space	20% 6,800 square feet	11% 3,639.94	16% 5,291 square feet	Variance needed -4%, -1,509 square feet

*Compact spaces cannot be counted toward off-street parking requirements per Sec. 108-646. – “Compact car spaces”. Parking lots with 20 or more spaces may be comprised of a maximum of 15 percent compact car parking stalls. Such compact car stalls shall be 7 ½ feet wide by 15 feet long and marked for use by small vehicles. The markings shall be maintained in perpetuity. The intent is to deter larger cars from using compact car spaces.

Process:

Planning Board Meeting: March 19, 2020 (meeting cancelled)

Planning Board Meeting: April 16, 2020 (meeting cancelled)

Planning Board Meeting: April 28, 2020 (postponed by applicant)

Planning Board Meeting: May 21, 2020 (postponed by applicant)

Planning Board Meeting: June 18, 2020 (postponed by applicant)

Planning Board Meeting: August 20, 2020 (postponed by staff)

Planning Board Meeting: September 17, 2020 (postponed by staff)

Planning Board Meeting: October 15, 2020 (postponed by staff)

- November 5, 2020 – BVRAC meeting – The major development plan was a discussion item to allow for any public or board member questions or input, which brought the item to the January agenda as an action item.
- January 7, 2021 - BVRAC meeting – The major development plan was an action item on the agenda. The BVRAC board discussed the design, asked staff questions about the design, and voted unanimously to approve it. Commissioner Lopez expressed his concerns during the discussion before the vote and informed the board that he was not supportive of the design. There was no public attendance at the meeting.

Planning Board Meeting: February 18, 2021

Local Appeal Period: 30 days

DEO Review Period: up to 45 days

Analysis – Evaluation for Compliance with the Land Development Regulations:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board must find all the following criteria in compliance before granting the variances:

- 1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.***

The Applicant is proposing to demolish the existing one-story Annex building which consists of 6,095 square feet in order to construct a 9,496 square foot two-story structure.

The size of the proposed structure and the amount of square footage reflect community service needs documented by tens of public meetings and years of public planning for the Bahama Village community. The proposed building will accommodate the following on site services: A community center with a commercial kitchen, a computer lab, a music room, a sound studio, a

main hall assembly space, classrooms, and office uses. The community center is currently limited in the services it can provide due to a lack of physical space.

NOT IN COMPLIANCE

- 2. *Conditions not created by applicant. That the special conditions are circumstances that do not result from the action or negligence of the applicant.***

The request to undertake the Frederick Douglass Gym Expansion Project is an action by the City of Key West, in coordination with and through the support of the City Commission, the Bahama Village Redevelopment Advisory Committee, and many community leaders and residents. The Key West City Commission approved the "Bahama Village Visioning and Capital Projects Workplan", in August 2017. The attachment entitled, "Program Priorities List: Recommended Capital Projects" is an excerpt from the approved plan, which categorizes high priority investments for Bahama Village with this project, the "Douglass Gym Expansion", being the second highest priority project, a "critical priority" for the community.

NOT IN COMPLIANCE

- 3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district.***

The property is currently non-complying with respect to the minimum off-street parking, maximum building coverage, maximum impervious surface, and the minimum open space requirements. The proposed reconstruction will again surpass maximum dimensional standards, but by slightly less with respect to building coverage and impervious surface, and it will result in improved on-site open space. However, this proposed project would provide a historically underserved area of the city with needed and desired community services, as demonstrated through numerous public meetings and discussions, some of which are summarized in the attached document entitled, "Douglass Gym Expansion Project Public Meetings Summary".

NOT IN COMPLIANCE

- 4. *Hardship conditions exist. That literal interpretation of the provision of the Land Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.***

Literal interpretation of the Land Development Regulations would not deprive the applicant of rights commonly enjoyed by the other properties in this same zoning district under the terms of this ordinance. The intent of the applicant's site plan design is to enlarge floor area to provide community services.

NOT IN COMPLIANCE

5. ***Only the minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.***

The variance request is not the minimum required that will make possible the reasonable use of the land, building, or structure. However, it is the minimum necessary to accommodate the request for these proposed uses.

NOT IN COMPLIANCE

6. ***Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the Land Development Regulations and that such variance will not be injurious to the other area involved or otherwise detrimental to the public interest or welfare.***

The variance request is not in harmony with certain sections of the Land Development Regulations. However, the intent of this project is to provide deeply needed community services, including youth education, job training, and meal services to those in need. Community representatives serving on the Bahama Village Redevelopment Advisory Committee have met to discuss the design concept for this project on multiple occasions. Please see the attachment entitled, "Douglass Gym Expansion Project Public Meetings Summary". The Department does not find the request to be injurious or otherwise detrimental to the public interest.

NOT IN COMPLIANCE

7. ***Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.***

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

Based on comments received through internal departmental reviews, it does not appear that the requested variance will trigger any public facility capacity issues.

The Planning board shall make factual findings regarding the following:

The standards established by Section 90-395 of the City Code have been fully met by the applicant for the variances requested.

That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The Planning Department has received two public comments since the date of this report.

RECOMMENDATION:

Based on the criteria established by the Land Development Regulations, the Planning Department recommends the request for variances to be **denied**.

If the Planning Board approved this request, staff suggests adherence to the following condition:

General Condition:

1. The proposed construction shall be consistent with the site plan signed, sealed, and dated April 27, 2020 by Erica Poole, K2M Designs, P.A.
2. The remaining plans shall be revised to reflect the addition of the second ADA accessible parking space prior to City Commission.
3. The City of Key West shall retain off-site parking spaces at the public parking lot at 918 Fort Street for the duration of the principal use of the Frederick Douglass Gym and Annex building. Signage indicating that off-site parking is available at the Fort Street Parking Lot shall be installed on the project site at 111 Olivia Street. Proposed off-site parking signage shall be reviewed and approved in accordance with adopted Historic Architectural Review Commission guidelines.