

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Kathryn Lyon, Planning Consultant

From: Katie P. Halloran, Planning Director

Meeting Date: January 20, 2022

Application: **Major Development Plan, Conditional Use & Landscape Waiver – 111 Olivia Street (RE# 00014720-000000)** – A request for approval of a major development plan, conditional use, and landscape waiver approvals for the construction of a 9,587 square foot one story community center with a commercial kitchen, a computer lab, a music room, a sound studio, a main hall assembly space, classrooms, and offices on property located within the Historic Neighborhood Commercial (HNC-3) Zoning District pursuant to Sections 108-91.A.2 (b), 108-517, 122-62 and 122-868 (2) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

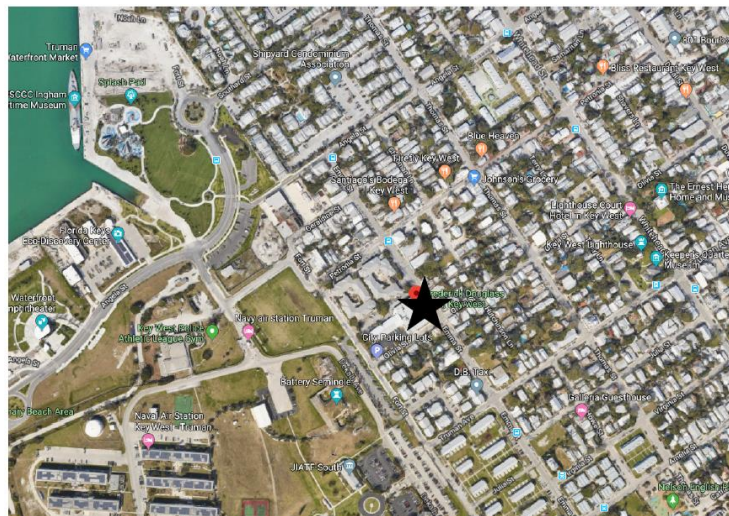
Request: The applicant is requesting Major development plan, conditional use, and landscape waiver approvals for the proposed construction of a new 9,587 square foot community center.

Applicant: Karen Wilman/ Representative

Property Owner: City of Key West

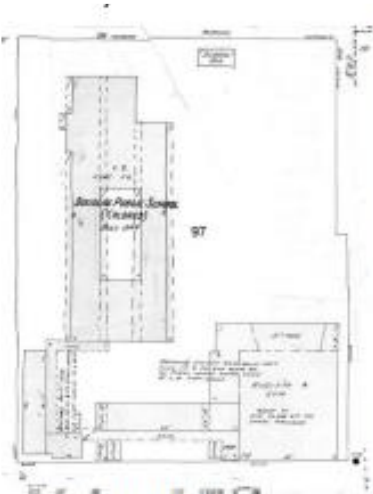
Location: 111 Olivia Street- (RE# 00014720-000000)

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



Background:

The subject parcel is located at 111 Olivia Street and currently consists of the Frederick Douglass Recreation Center. The subject 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 and formerly included the historically black school building which was in use until after desegregation. The gym's namesake, Frederick Douglass, was a renowned abolitionist, orator, statesman, and former slave. Many of Key West's black leaders attended the school, including current Key West City Commissioner Clayton Lopez. The school building itself was demolished by the School Board in the mid-1970s, while the remainder of the site and historic gym were given to the City of Key West for use as a community center.



1961 Sanborn map



The Frederick Douglass Gym 1965

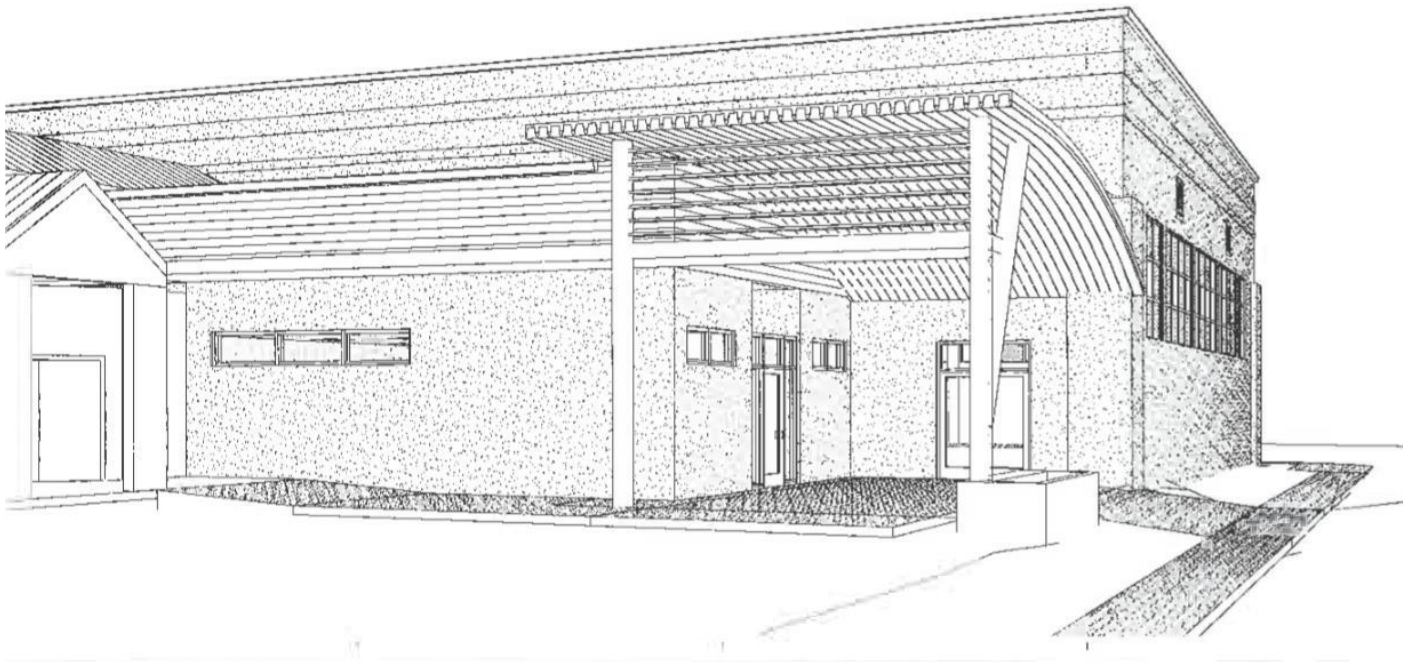


1965 Frederick Douglass School

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 addition to the Frederick Douglass Gym is the subject of this application. The applicant, the City of Key West, has proposed to demolish the existing building known as the “Annex”. The proposed new structure will face Olivia Street, moving from the rear to the front of the lot. The applicant has previously received 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 were approved via Resolution No. 2021-03. However, the site design was changed, and the applicant is seeking new approvals.

In 1965, Key West Community College now known as the College of the Florida Keys opened in the Douglass Gym. The College moved in 1968 to their main campus off College Road. Since 1999, the Annex building has hosted The Bahama Village Music Program as well as a tutoring program, office spaces, and was the former home of the Roosevelt Sands Health Clinic.

A major development plan and landscape waiver have been granted to this property. The major development plan and landscape waiver was approved by the City Commission in 2015 for the reconstruction of 12,153 square feet of nonresidential floor area as part of the renovation and repair of The Frederick Douglass Gym and for the reduction and/or waiver of required landscaping.



The Frederick Douglass Gym 2015

The City Commission approved the “Bahama Village Visioning and Capital Projects Workplan”, in August 2017. The “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. In response to the “Program Priorities List: Recommended Capital Projects”, and many community meetings the City Commission in 2018 approved a request to designate the entire Fredrick Douglass Gym / Roosevelt Sands Center as Historic Neighborhood Commercial (HNC-3) the property was straddling two zoning designations. Licensing records indicate the buildings have been used as mixed-use commercial/residential going back to at least the mid – 1980s. Upon adoption of current Land Development Regulations and the Official Zoning Map in 2014, the building was bisected by a zoning line, leaving a portion of the building with a Historic Neighborhood Commercial (HNC-3) Zoning District designation and the remainder with a Historic Medium Density (HMDR) Zoning district designation. In the Historic Medium Density

Residential Zoning District, cultural/civic activities are not permitted. In the Historic Neighborhood Commercial Zoning District, cultural/civic activities are a conditional use.

In order to allow the proposed development, several development approvals would be necessary.

- Major Development Plan review is required due to the reconstruction of more than 2,500 square feet of gross floor area, pursuant to Section 108-91.A.2.(b) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).
- Conditional use review is required for cultural and civic activities within the HNC-3 Zoning District, pursuant to City Code Section 122-868(2).
- The City is also requesting variances and landscape waivers, pursuant to City Code Sections 90-395 and 108-517.

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 71% building coverage, or 24,193 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 85%, or 28,812 square feet. The required minimum open space is 20%, or 6,800 square feet, existing open space is 11%, or 3,639 square feet. Whereas, the Applicant is proposing 15%, or 5,189 square feet. The site table below details the current and proposed site data for the property.

Proposed Development:

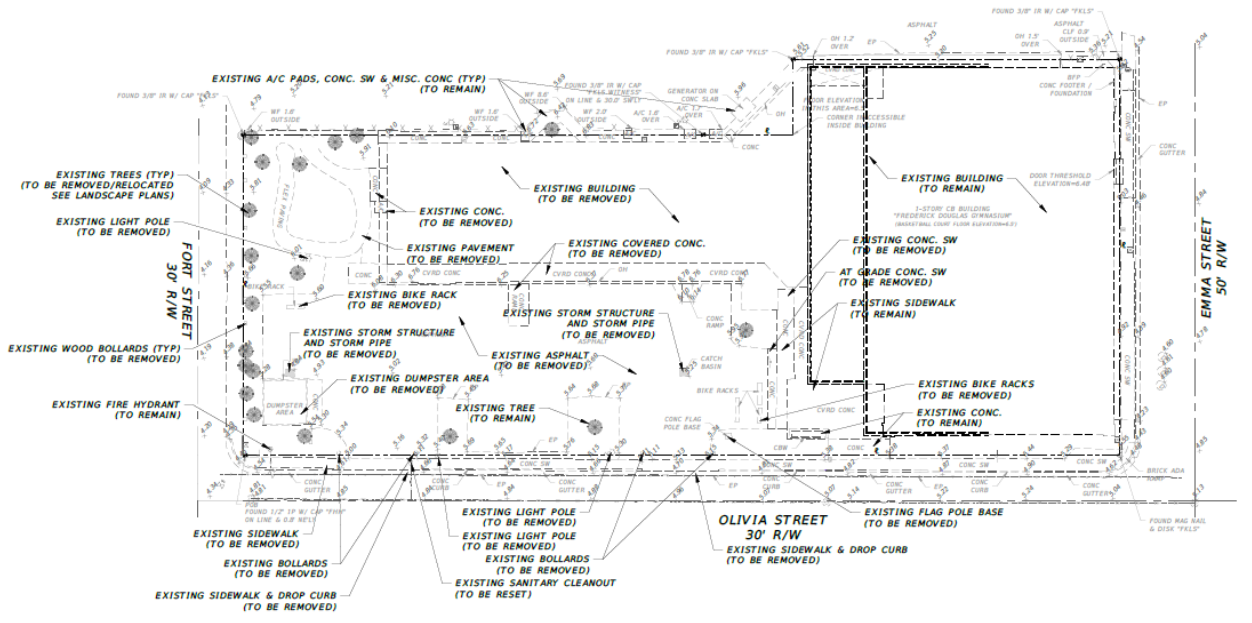
The request to undertake the Frederick Douglass Gym Expansion Project is an action by the City of Key West, in coordination with and through the support of the City Commission, the Bahama Village Redevelopment Advisory Committee, and many community leaders and residents. The intent of this project is 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.



The existing Annex Building.

The existing Annex Building is to be demolished. The Demolition Site Plan below indicates the structure that is

slated for replacement.

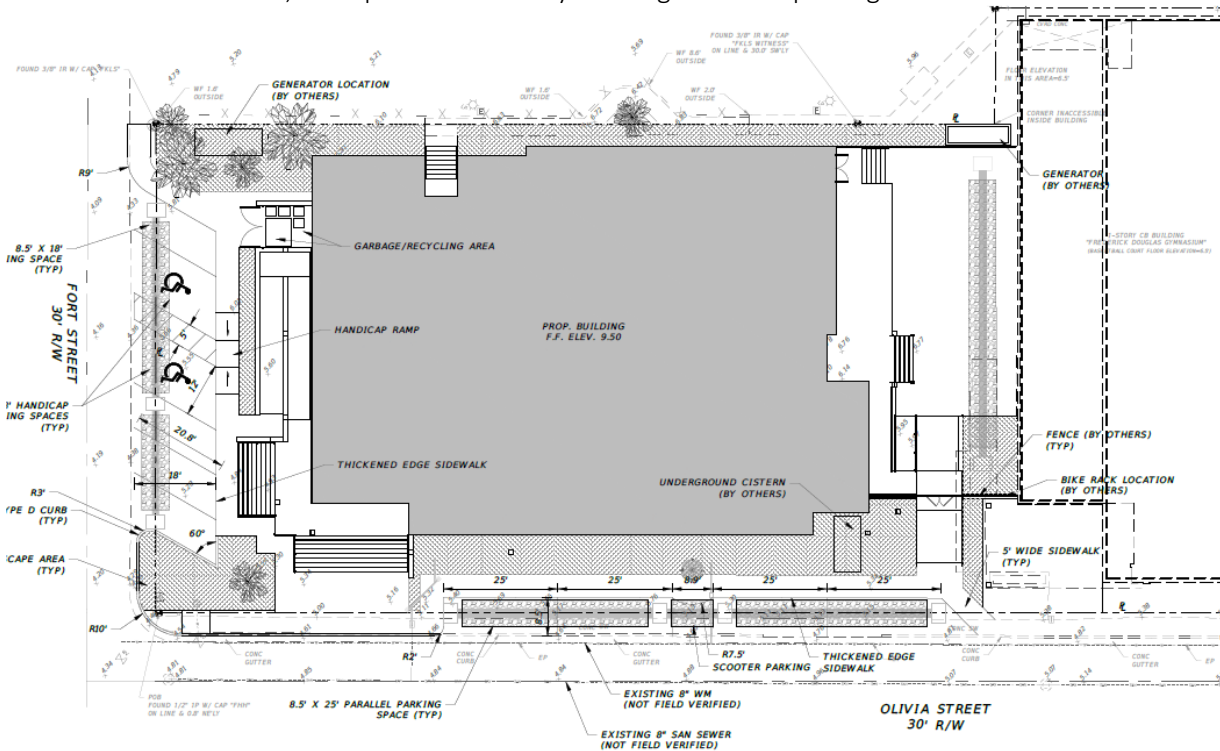


Demolition Scope

Demolition of existing 6,114 square foot music and tutoring program building attached to Frederick Douglas Gymnasium and associated mechanical, electrical, plumbing, and structure. Demolition of existing asphalt parking lot, concrete ramps, walks, and pads, flex paver path at learning garden, and flagpole/base. Demolition of existing dumpster enclosure and associated pad. Removal of all existing bike racks and gym/parking lot. Removal or salvage of trees. Existing gym to remain in-tact.

New Construction Scope

Construction of new 9,587 square foot 1-story building with new parking lot.

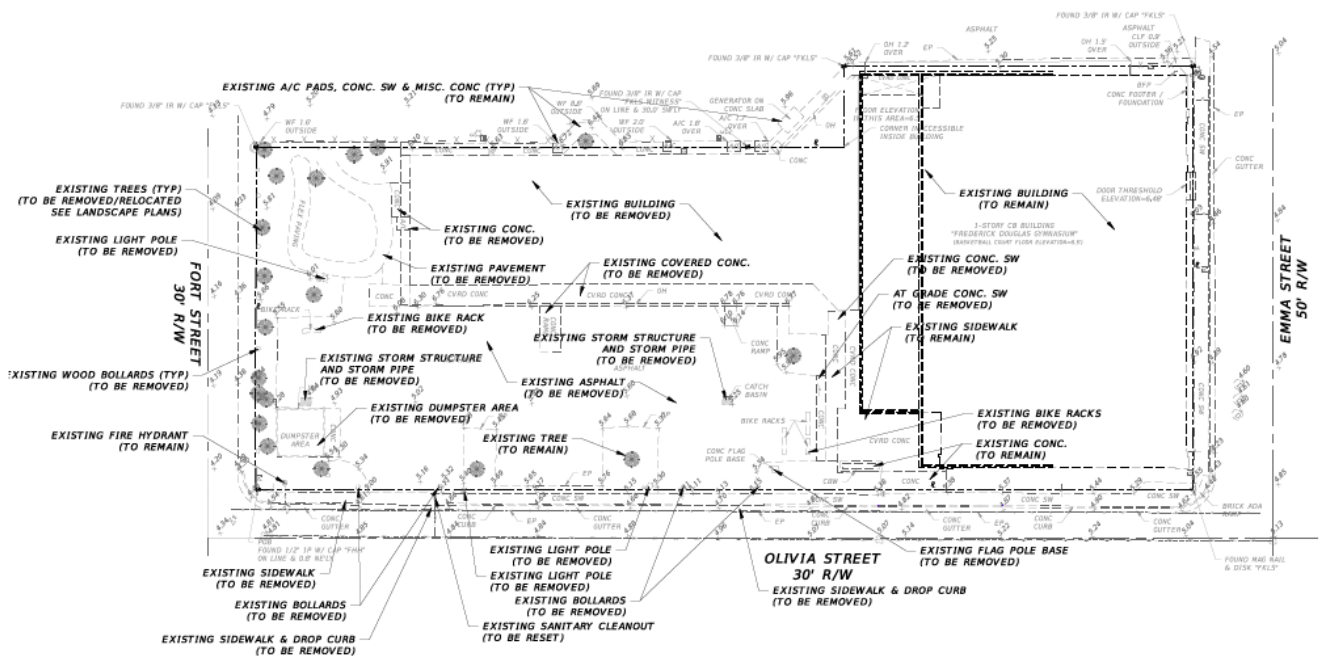


All of the parking for the Major Development Plan and Conditional Use shall be fulfilled by using on-site and off-site parking. Chapter 108 of the Land Development Regulations includes Section 108-576(a), "Location of off-street parking spaces", which allows required off-street parking to be located 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.

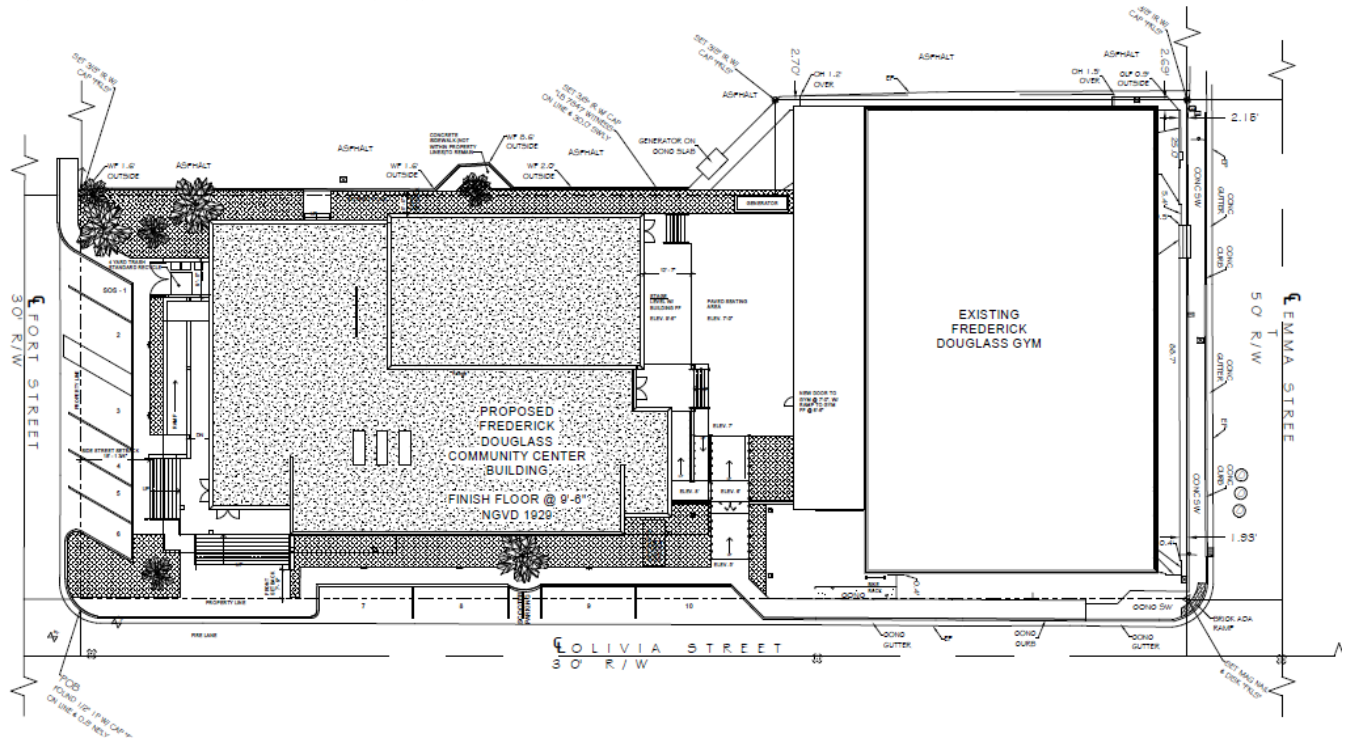
The parking lot at 918 Fort Street (the "Fort Street Parking Lot") is located within the Historic Public and Semipublic Services District-1 (HPS-1); this zoning district allows parking lots as permitted uses (City of Key West Code of Ordinances Section 122-967). The Fort Street Parking Lot is located 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.

Existing Site Plans, submitted by applicant.

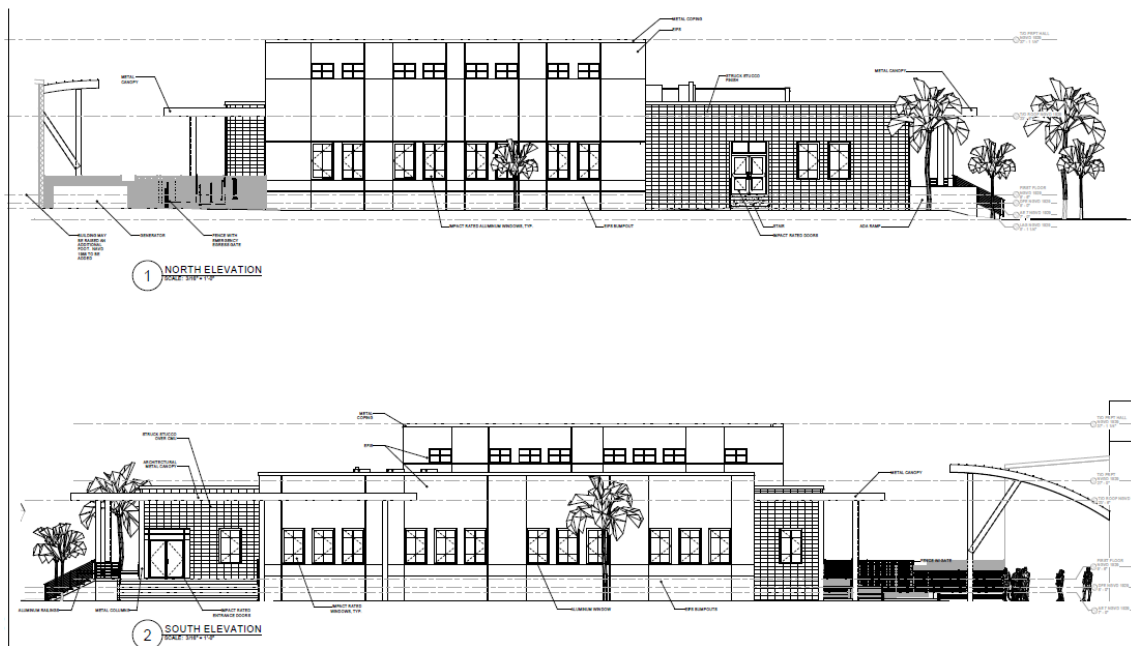


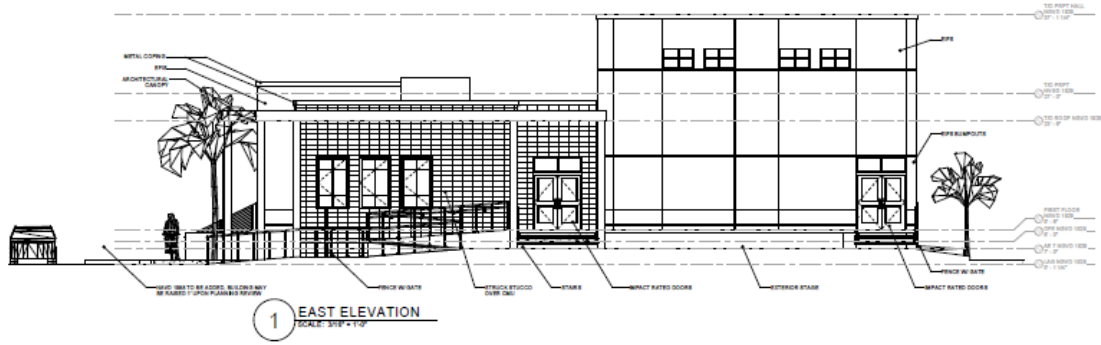
Proposed Site Plans, submitted by applicant.



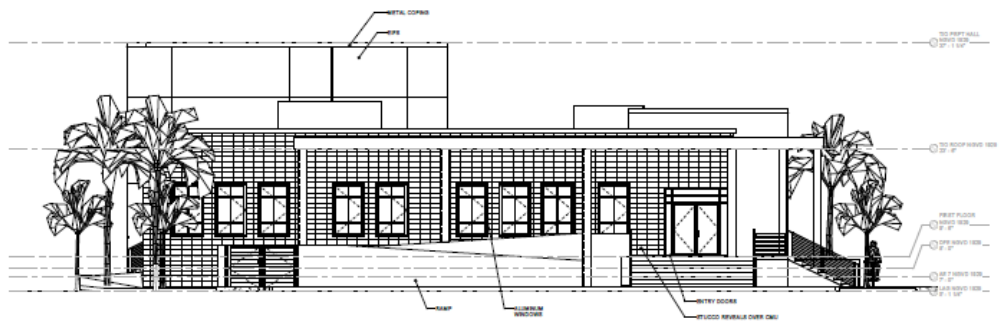
The proposed location of the new structure will be located on the corner of Fort and Olivia Streets. The proposed structure will include the following services /uses: The new community center will consist of music classrooms, regular classrooms, practice spaces, kitchen, restrooms, office, and multi-purpose space.

Proposed Elevations





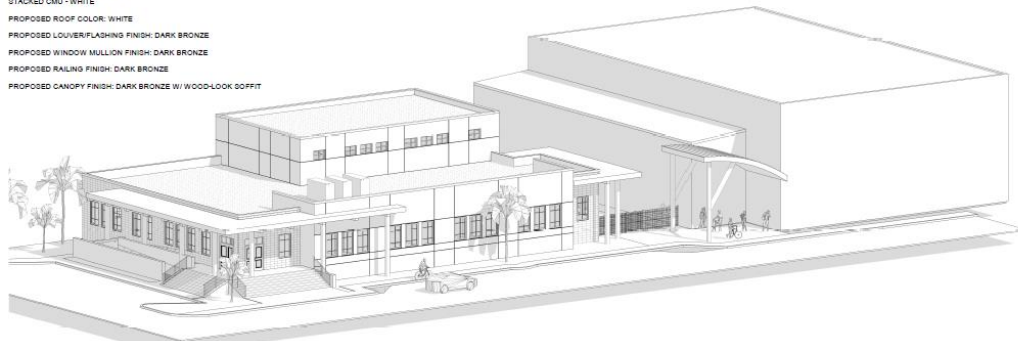
1 EAST ELEVATION
SCALE: 3/16" = 1'-0"



2 WEST ELEVATION
SCALE: 3/16" = 1'-0"

Proposed 3D Views

- PROPOSED COLORS:
- SMOOTH STUCCO - OFF WHITE
- STACKED CMU - WHITE
- PROPOSED ROOF COLOR: WHITE
- PROPOSED LOUVER/FLASHING FINISH: DARK BRONZE
- PROPOSED WINDOW MULLION FINISH: DARK BRONZE
- PROPOSED RAILING FINISH: DARK BRONZE
- PROPOSED CANOPY FINISH: DARK BRONZE W/ WOOD-LOOK SOFFIT



1 3D VIEW A
SCALE: 1/8\"/>



2 3D VIEW B
SCALE: 1/8\"/>



3 COURTYARD ENTRANCE VIEW
SCALE



2 FRONT ENTRANCE VIEW
SCALE 1/4" = 1'-0"

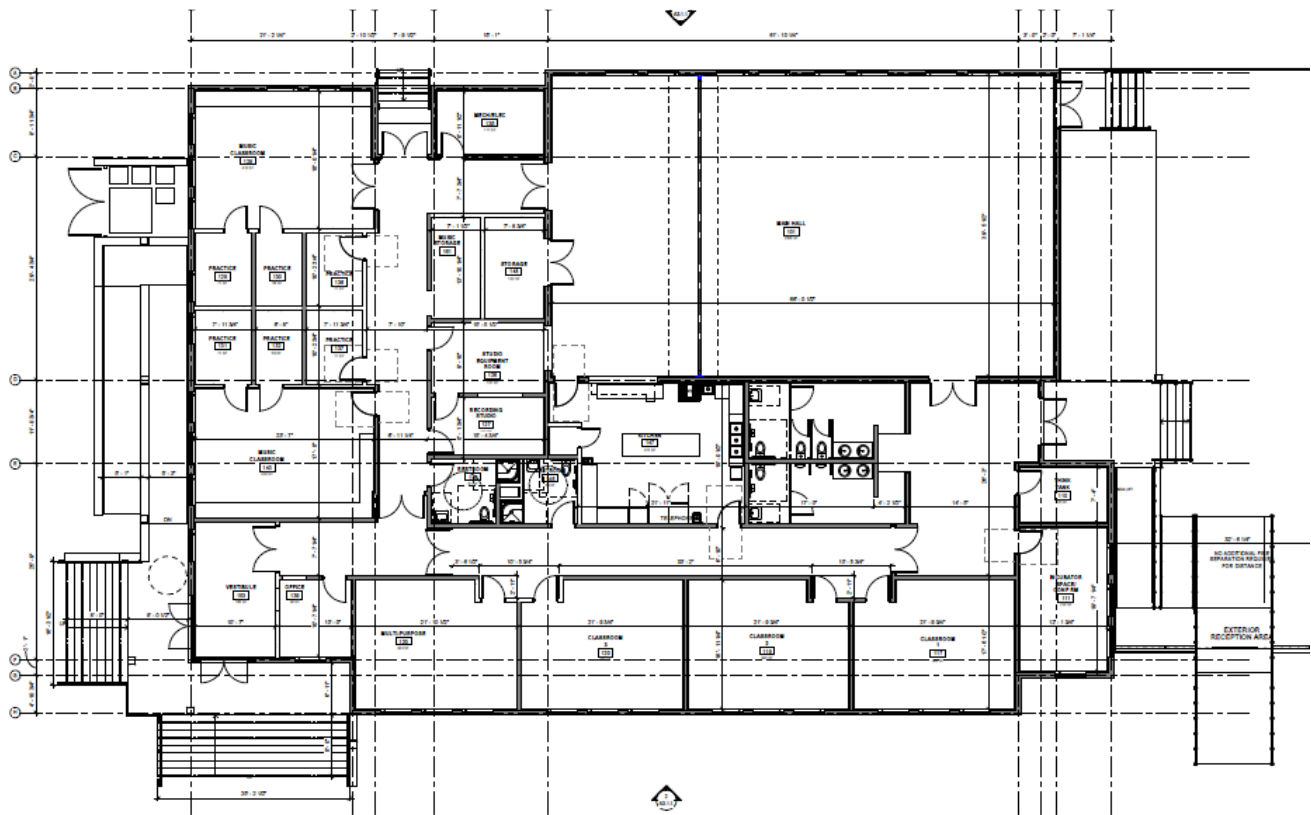


1 FORT STREET VIEW
SCALE

The applicant has proposed to add a 9,587 square foot one story building to the west of the Frederick Douglass Gymnasium. The applicant has proposed to remove the 6,114 square foot music and tutoring program building attached to the existing Frederick Douglass Gymnasium.

The new community center will consist of music classrooms, regular classrooms, practice spaces, kitchen, restrooms, office, and multi-purpose space.

Proposed First Floor site plans, submitted by applicant



The Board must also determine whether to grant a landscape waiver for this site. The site table below details the current and proposed site data for the property.

SITE DATA Zoning HNC-3				
Dimensional Requirements	Required/Allowed	Existing	Proposed	Variance Needed
Height	30 feet	30 feet	30 feet	None
Minimum Front Setback	None	None	9 feet	None
Minimum Side Setback	5 feet	5 feet	5 feet	None
Minimum Rear Setback	15 feet	0 feet	5 feet	Variance needed 10 feet
Minimum Street Side Setback	7.5 feet	7.5 feet	18 feet	None
Maximum Building Coverage	40% 13,600 square feet	62% 20,924 square feet	71% 24,193 square feet	Variance needed 31%, 10,593 square feet
Impervious Surface	60% 20,400 square feet	89% 30,361 square feet	85% 28,812 square feet	Variance needed 25%, 8,412 square feet
Open Space	20% 6,800 square feet	11% 3,639 square feet	15% 5,189 square feet	Variance needed 5%, 1,611 square feet
Parking	1 space per 5 seats or 1 space per 150 sf of floor area-46 spaces	19 spaces	10 spaces on-site. 36 spaces off-site: utilization of Fort Street Parking lot within 500 feet.	None

Bicycle Parking	16	8	21 spaces	None
Landscaping				Landscape Waiver needed

Surrounding Zoning and Uses:

Surrounding properties are located within the Historic Medium Density Residential (HMDR), Historic Neighborhood Commercial (HNC-3), and Historic Planned Development and Development (HPRD) Zoning Districts. Surrounding uses include residential, mixed use residential/retail/office, Harry S. Truman U.S. Navy Annex. Zoning districts within 300 feet of the property are HMDR, HNC-3, HCL, HPS-1 and M.

Process:

Development Review Committee:	October 28, 2021
Planning Board Meeting:	January 20, 2022
Tree Commission Meeting:	December 14, 2021
HARC Commission Meeting:	TBD
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan

City Code Section 108-91. A.2.(b) requires the reconstruction of nonresidential floor area equal to or greater than 2,500 square feet to be reviewed as a Major Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations therefor, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Development Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial.

The Planning Board’s decision on a Major Development Plan in the historic district shall be advisory to the City Commission.

Concurrency Facilities and Other Utilities or Services (City Code Section 108-233)

- Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Major Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards.

1. Potable water supply

The potable water LOS standard for nonresidential uses is 650 gallons per acre per day, pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita residential: $650 \text{ gal/acre/day} \times 0.78 \text{ acres} = 507 \text{ gal/day}$

The adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is serviced with potable water by the Florida Keys Aqueduct Authority (FKAA), which has been notified of the upcoming development and has available capacity to service the proposed development.

2. Wastewater management

The sanitary sewer LOS standard for nonresidential uses is 660 gallons per acre per day, pursuant to City Code Section 94-67. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on per capita Nonresidential: $660 \text{ gal/acre/day} \times 0.78 = 515 \text{ gal/day}$

Therefore, the adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

3. Water quality

The property is not adjacent to any bodies of water. No adverse impacts to water quality are anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

A drainage plan was submitted indicating that a complete stormwater management system will be installed. Stormwater would be retained on-site utilizing an exfiltration trench. Rainwater from the roof would be channeled to an exfiltration trench and an underground cistern that will collect the water run off from both the building roofs and hardscape. This water will be used to irrigate the landscaping for the project. We will also use the underground cistern as an education tool for the tutoring program to help teach the students about sustainable design.

In summary, no adverse impacts to stormwater management or drainage facilities are anticipated.

5. Solid waste

The solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate approximately 138 persons per day. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:
Proposed development: 6.37 lb./capita/day x 138 = 879.06 lbs./day

The property is currently serviced by Waste Management. The dumpster trash and recycling areas are provided on the site plan. The adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

6. Roadways

The roadway LOS standard is set forth in City Code Section 94-72.

7. Recreation

The plans do not show onsite recreation as defined in Section 86-9 of the LDRs. However, it is not anticipated that the City's adopted level of service for public recreation will be adversely impacted.

8. Fire Protection

A detailed life safety plan was submitted. An existing fire hydrant on the corner of Fort and Olivia Street is to remain.

9. Reclaimed water system

There is no reclaimed water system proposed. However, an underground cistern is being proposed to collect rainwater to irrigate on-site landscaping.

10. Other public facilities

Based on comments received from the DRC members, and based on the Applicant's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards.

Appearance, design and compatibility (City Code Section 108-234)

The development plan shall be reviewed for approval in accordance with City of Key West Historic District guidelines, as noted below.

City Code Chapter 102 (historic preservation)

The property is located within the historic district and the building is a non-contributing structure. Therefore, the proposed development would need to obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC) for the proposed design prior to issuance of building permits.

Articles III (site plan), IV (traffic impacts) and V (open space, screening and buffers) of City Code Chapter 108 (planning and development)

Per the Engineering Department's review of trip generation from the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition; impacts caused by additional trip generation as a result of the increased Gross Floor Area (GFA) of the proposed community center are minimal and do not approach a critical volume on the primary or adjacent streets requiring mitigation. At the maximum the added square feet to the new community center yields an impact of nearly 200 additional trips at the peak hours of 4-6 p.m. Trips caused by the existing facility were not factored in due to no change in use of the facility.

City Code Section 108-956 (potable water and wastewater)

Potable water and wastewater were found to comply in the concurrency determination above.

Article II (archaeological resources) of City Code Chapter 110 (resource protection)

There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

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

(a) *Compliance*. The submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).

(b) *Vicinity map*. The property is bounded by Olivia Street to the east, Emma Street to the north, Petronia Street to the west and Fort Street to the south.

(c) *Land use compatibility*. Uses within 300 feet include surrounding uses include residential, mixed use residential/retail/office, Harry S. Truman U.S. Navy Annex, a parking lot. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.

(d) *Historic and archeological resource protection*. The project's impact on archaeological and historic resources is being coordinated through the DRC and would be reviewed by HARC through a Certificate of Appropriateness.

(e) *Subdivision of land*. No subdivision of land is proposed.

Appearance of site and structures (City Code Section 108-236)

The Applicant submitted a development plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed below.

Site plan (City Code Section 108-237)

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

Architectural drawings (City Code Section 108-238)

The Applicant submitted extensive architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239)

Proposed site amenities include new ADA-accessible sidewalks, new driveway, curb ramps, bicycle racks, outdoor lighting, a courtyard, and public art.

Site survey (City Code Section 108-240)

The Applicant submitted a site survey pursuant to City Code Section 108-240.

Soil survey (City Code Section 108-241)

The property has always been an educational center. No soil survey was provided.

Environmentally sensitive areas (City Code Section 108-242)

No environmentally sensitive areas are located on or near the property, which is located within the AE-7 flood zone.

Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243)

(a) *Land clearing, excavation and fill*. The proposed development would involve these activities. Native trees are being preserved or relocated to the maximum extent possible.

(b) *Tree protection*. An extensive arborist assessment was submitted of all existing trees on the property. Over

60% of the trees on the site will be relocated to the Fort Street parking lot. No trees will be relocated on site. The City's Urban Forestry Manager and the Tree Commission have reviewed and approved the proposed tree removal and transplant plan at their December 14, 2021 Tree Commission meeting.

(c) *Landscaping plan.* The submitted plan indicates landscaping incorporated throughout the property. The review was performed to verify compliance with Section 108 of the City Code regarding landscaping and buffer requirements. The review was based on the site and landscape plan submitted to the Planning Department updated January 3, 2022. Please note that the Tree Commission reviewed a plan dated November 6, 2021.

A major development plan review was approved for 111 Olivia Street in 2017 by the City Commission to redevelop the gym building structure. That review and approval also granted Sec 108 landscape waivers to the area immediately surrounding the gym structure. For purposes of this review, only the area of the property to be demolished and reconstructed (building and parking area) will be addressed. Staff have determined that a landscape waiver is required for the submitted landscape plan. Landscape waiver criteria (Section 108-517) are reviewed in a subsequent section of this report.

(d) *Irrigation plan.* A drainage plan was submitted indicating that a full stormwater management system will be installed. Stormwater will be retained on-site utilizing an exfiltration trench through the driveway. Roof drains will collect building runoff and lead to the exfiltration trench and an underground cistern. Water for irrigation will be provided by the underground cistern, which will also be utilized as an education tool for the tutoring program to help teach the students about sustainable design.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (City Code Section 108-244)

There will be no vehicular ingress or egress. The property is served by all City bus routes. Parking spaces for (10) ten standard vehicles, (2) ADA spaces, and (21) twenty-one bicycles are proposed on the property. A remaining thirty-six (36) off-site parking spaces will be available across the street at the Fort Street Parking Lot at 918 Fort Street.

Housing (City Code Section 108-245)

There are no existing or proposed residential dwelling units on the property. The proposed development is nonresidential in nature and therefore should have no detrimental effect on hurricane evacuation.

Economic resources (City Code Section 108-246)

As public property, the proposed project would not yield ad valorem taxes. The estimated construction expenditure is \$4.2 million.

Special considerations (City Code Section 108-247)

(a) The relationship of the proposed development to the City's land use plans, objectives and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.

(b) The project located within the historic district and the AE-7 flood zone.

(c) No unincorporated portions of the county would be impacted by the proposed development.

(d) The project does not front a shoreline, so shoreline access would not be impeded.

(e) No special facilities are proposed to accommodate bus ridership, although bus routes run along and Emma Street.

(f) Passive recreation space is not proposed.

(g) Coordination with applicable agencies is being facilitated through the DRC.

(h) No wetlands or submerged land would be impacted.

Construction management plan and inspection schedule (City Code Section 108-248)

The proposed construction is to be complete in one phase.

Truman Waterfront Port facilities (City Code Section 108-249)

Not applicable.

Site plan (City Code Chapter 108, Article III)

The City shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

Site location and character of use (City Code Section 108-277)

The proposed development involves demolishing the existing one-story non-contributing structure and construct a 9,587 square foot building to house a music program, an afterschool tutoring program, and a small community hall. The proposed uses are permitted and conditional uses within the HNC-3 Zoning District.

Appearance of site and structures (City Code Section 108-278)

The project involves new construction of a one-story structure facing Olivia Street. All work would follow the City's historic architectural guidelines.

Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279)

All mechanical equipment and utility hardware would be screened. Dumpsters for garbage and recycling would be screened.

Front-end loaded refuse container location requirements (City Code Section 108-280)

The City coordinated the location and design of the refuse containers with Waste Management to allow adequate access for refuse vehicles. The dumpster enclosure and landscaping would screen the refuse containers from streets and adjacent properties. There will be a student recycling program that will be run by the teachers. Smaller recycling centers will be located in each classroom with larger bins located in key areas for main building recycling collections.

Roll-off compactor container location requirements (City Code Section 108-281)

None proposed.

Utility lines (City Code Section 108-282)

All new utilities lines would be placed underground.

Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)

None proposed.

Exterior lighting (City Code Section 108-284)

All new exterior lighting is proposed for the property. All lights would be shielded to prevent glare onto adjacent properties. Lighting would be provided within the parking area for security purposes. The property is also served by existing streetlights.

Signs (City Code Section 108-285)

The plans do not currently indicate any signs but must include off-site parking signage as noted in the Conditions section of this document. A building permit and a certificate of appropriateness would be required for the installation of any signs, which must comply with City Code Chapter 114 and the Historic Architectural Guidelines.

Pedestrian sidewalks (City Code Section 108-286)

The existing City sidewalks along Olivia Street and Fort Street would be replaced.

Loading docks (City Code Section 108-287)

None proposed.

Storage areas (City Code Section 108-288)

No exterior storage areas are proposed.

Land clearing, excavation or fill (City Code Section 108-289)

No work would impact a floodplain or a conservation area. A proposed stormwater management would address drainage and runoff from the site. Vegetation removal is being reviewed by the Urban Forestry Manager and the Tree Commission.

Landscaping (Code Chapter 108, Article VI)

A landscape plan is required as part of a development plan review, pursuant to City Code Section 108-411.

A major development plan review was approved for 111 Olivia Street in 2017 by the City Commission to redevelop the gym building structure. That review and approval also granted Sec 108 landscape waivers to the area immediately surrounding the gym structure. For purposes of this review, only the area of the property to be demolished and reconstructed (building and parking area) will be addressed.

Review of Section 108:

1. Sec 108-346: The code requires 20% open space. The existing open space is 11% and the proposed open space is 15%. There are no known significant areas of exotic or invasive vegetation on the site. **Waiver needed.**
2. Sec 108-347 (Buffers): The property is a low or medium use with primarily multifamily and municipal (Housing Authority) residences as the adjoining uses. The buffer requirement would be B or E.

The property lies immediately adjacent to Olivia, Fort, and Emma Streets, all street buffer areas are under Sec 108-413 review. For this portion of the project, the eastern boundary will abut the existing gym structure.

The northern property line lies immediately adjacent to an interior parking area for the Housing Authority apartments. Submitted plans show a proposed 5 ft wide landscaped area therefore 90 plant units are required to be planted in this area.

Within this 5 ft wide proposed landscape area the plan includes the preservation of one exceptional native tree, tree #17, a Gumbo Limbo which will be given double plant unit credit as per sec 108.451. One existing Pongam tree and two existing thatch palms are to remain and two Blolly trees, a subcanopy tree species, are to be planted. The proposed plan also includes the planting of 56 shrub species, predominantly Locustberry therefore a total of 116 plant units are credited with this landscape area which meets the code requirements.

3. Sec 108-348 allows for credit for existing plant material. There are several large, protected trees in the western corner area of the property at Fort Street that are to remain and be protected along with three other canopy trees on the property. Other regulated trees will be transplanted to the Fort Street Parking lot located across the street from this project.
4. Sec 108-411: The Tree Commission approved the conceptual landscape plan dated November 16, 2021, at their December 14, 2021 meeting. Their review included the approval of the removal of two trees, 1-Wild

Cinnamon (tree #3) and 1-Gumbo Limbo (tree #11) to be replaced with 11.6 caliper inches of approved trees to be planted on the property and incorporated into the landscape plan and the approval of the transplantation of 1-Bahama Tabebuia (tree #1), 1-Pitch Apple (tree #1A), 1-Stopper (tree #8), 1-Lignum vitae (tree #21), 1-Fiddlewood (tree #22), 1- Blackbead (tree #23), 1-Cinnamon Bark (tree #24), 4-Thatch Palms (tree #5, #10, #12A, & #13), 2-Sabal Palms (tree #9 & #12B), and 2-young Christmas Palms (tree #20A & B) to be planted in the Fort Street parking lot area. Eight existing trees and palms will remain in place including 1-Wild Tamarind (tree #2), 1-Gumbo Limbo (tree #4), 2-Royal Poinciana trees (tree #14 and #16), 1-Gumbo Limbo (tree #4), 1-Pongam tree (tree #19), and 2-Thatch Palms (tree #15 and #18). The proposed landscape plan does incorporate all the required tree replacements.

4. Sec 108-412 requires that 20% of the building site shall be landscaped. The existing portion of the site represents an 15% open space area and 85% impervious surface. At this time it is not known what the percent landscaped area is but the proposed plan offers a 85% impervious area. **Waiver needed.**

All of the plant species proposed to be planted are native or indigenous plant species to Key West. Therefore, the plan complies with the 70% minimum native plant requirement for the landscaping.

5. Sec 108-413 (landscape requirements along street frontages): This section of code bases the width of the landscape areas on the overall size of the property. Since the parcel is 0.78 acres, the required width of the landscape areas along the streets is 20 feet wide.

A. Emma Street: A waiver was given for this requirement in 2017 under the major development plan review for the gym.

B. Olivia Street: A portion of this area, in front of the existing gym structure, was given a waiver in 2017 during the major development plan review for the gym. Reviewing the remaining street frontage area (approximately, 200 linear feet), 160 plant units are required.

The proposed landscape plan indicates 2 planting areas, one 8ft wide and the corner planting area approximately 14 ft wide, will be created. There are two existing trees, one Wild Tamarind and one Gumbo Limbo, to remain that are of good quality and are being given double credit as per Sec 108.451. Additionally, 6 subcanopy trees and 12 Thatch palms are to be planted along with 10 shrub species for a total of 104 plant units. **Therefore, a waiver is required regarding the width of the buffer area and the number of plant units (20 ft wide and 160 plant units).**

C. Fort Street: This street frontage area is 106 linear feet. This area is planned for head/rear end parking and is being reviewed under Sec 108-414 guidelines.

6. Sec 108-414 (Interior parking areas): All off street parking areas shall have a minimum landscape area of 20% of the parking area and each landscape area shall be a minimum of 6 ft wide with at least one shade tree planted.

Along the Fort Street area front/rear in parking from the street is proposed. Six parking spots are proposed with an adjacent sidewalk. A small landscape strip 3 ft wide by 37 ft long is proposed to be placed next to the sidewalk area in front of some of the proposed parking area to be planted with two subcanopy trees.

Waiver needed.

7. Sec 108-415 (perimeter parking areas): Not applicable.

8. Sec 108-416 (interior area landscaping): City code requires the planting of 4 canopy trees in the interior areas of the property. There are three areas that qualify for this review. The first area is an expansion of the Fort

Street/northern property line buffer area where two existing Royal Poinciana trees in good quality are located. The other two areas are located on the Olivia Street side of the property near the existing gym. One of these areas is an expansion of the street buffer landscape area and proposes the planting of several Jamaican Caper shrubby trees and the other area is near the courtyard entrance and is proposed to be planted with two subcanopy Red Stopper trees.

Presently, only 2 existing trees, both Royal Poinciana trees, are credited toward this section of code but both of these trees could be given a two tree credit as they are of exceptional quality under Sec 108.451 guidelines. It appears that all landscape areas not covered by shrubs or groundcover are proposed to be planted with grass or mulch, where appropriate.

9. Many existing trees will be transplanted/rescued from the site and planted across the street at the Fort Street parking lot area (location map attached). Due to the amount of demolition and construction to occur on the property, it is best that these trees/palms are planted in a nearby location instead of held and replanted on the property once construction has been completed. The following trees and palms will be planted at the existing Fort Street parking lot area; 1-Bahama Tabebuia (tree #1), 1-Pitch Apple (tree #1A), 1-Stopper (tree #8), 1-Lignum vitae (tree #21), 1-Fiddlewood (tree #22), 1- Blackbead (tree #23), 1-Cinnamon Bark (tree #24), 4-Thatch Palms (tree #5, #10, #12A, & #13), 2-Sabal Palms (tree #9 & #12B), and 2-young Christmas Palms (tree #20A & B).

Additional comments regarding the landscape plan: There is a concern regarding the placement and construction of sidewalk close to trees #2, #4, and #14. What is the actual distance from the base of the trees to the side of concrete sidewalks and parking area? Also, it looks like the proposed water line is being placed very near the root system of Tree #2. Of concern are impacts to primary tree roots during installation and future impacts.

Pursuant to City Code Section 108-517(b), the Planning Board may approve or grant the waiver or modification only if it determines that the waivers or modifications are not contrary to the intent of the City Code Chapter 108, Article VI, Division 4, Subdivision II and that a literal enforcement of the standards of this subdivision would be impracticable and would not violate the following criteria:

(1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.

(2) *Not discriminatory.* The waiver or modification is not discriminatory, considering similar situations in the general area.

(3) *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through superior design.

(4) *Protection of significant features.* The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features., such as trees, scenic areas, historic-sites, or public facilities, related to the development site.

(5) *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, or location, provided that:

a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and of actions of the developer or property owner which occurred after the effective date of the

ordinance from which this section derives.

b. The unusual conditions involved are not the result

(6) *Technical impracticality*. Strict application of the requirement would be technically impractical.

Given the challenges and trade-offs of fully complying with all the various landscaping requirements of the LDRs, staff recommends approval of the requested landscape modifications and waivers and submits that all aforementioned criteria have been satisfied.

Off-street parking and loading (Code Chapter 108, Article VII)

The proposed development includes (10) ten standard vehicle spaces, (2) ADA spaces and (21) twenty-one bicycle parking spaces are proposed on the property.

Stormwater and surface water management (Code Chapter 108, Article VIII)

A drainage plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater would be retained on-site through an exfiltration trench in the driveway. Roof drains will collect building runoff and lead to the exfiltration trench.

Utilities (Code Chapter 108, Article IX)

Access to potable water, access to wastewater disposal systems and conservation of potable water supply were analyzed in the above concurrency management determination and were found in compliance.

Art in Public Places (City Code Section 2-487)

The proposed development, being a Major Development Plan, qualifies for the City's Art in Public Places (AIPP) program, pursuant to City Code Section 2-487. The AIPP program requires 1% of construction costs to be set-aside for the acquisition, commission, and installation of artwork on the subject property. The program applies to new construction projects exceeding \$500,000 and renovation projects exceeding \$100,000. Eligible construction costs have not been determined based on hard and soft costs.

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 Applicant has demonstrated that the proposed conditional use within the HNC-3 Zoning District, including its proposed scale and intensity, traffic-generating characteristics and off-site impacts are compatible and harmonious with adjacent land uses and would not adversely impact land use activities in the immediate vicinity.

(2) *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use*. The site and building would be adequate to accommodate the proposed scale and intensity of the requested conditional use. The property was developed prior to the adopted LDRs and is nonconforming in several respects. It would be impossible for the site to accommodate all required screening, buffers, landscaping, open space and off-street parking of the LDRs without reducing the square footage needed to provide the right amount of services on site. Urban design amenities include street trees, bicycle racks, outdoor lighting, ADA-accessible sidewalks, and curb ramps.

(3) *Proper use of mitigative techniques*. To help minimize or prevent any adverse impacts of the proposed use, the City proposes to completely screen all mechanical equipment, utilities, and dumpsters; install landscaping throughout the property to provide visual buffers where appropriate.

(4) *Hazardous waste.* No hazardous waste would be generated, and no hazardous materials would be used.

(5) *Compliance with applicable laws and ordinances.* All necessary permits from other governmental agencies would be obtained.

(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.

b. *Residential development.* Not applicable.

c. *Commercial or mixed-use development.* The proposed conditional use is nonresidential and has been reviewed for land use compatibility based on compliance with all applicable portions of the LDRs. The development is not adjacent to U.S. 1, no new traffic impacts are being proposed.

d. *Development within or adjacent to historic district.* The proposed development is located within the historic district and is designed to reinforce the district's appearance, historic attributes, and amenities. The project would also be reviewed by HARC for appropriateness prior to the City Commission hearing for this Major Development Plan and Conditional Use application.

e. *Public facilities or institutional development.* Not applicable.

f. *Commercial structures use 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 Major Development Plan, Conditional Use, and Landscape Waivers be **Approved with the following conditions:**

General conditions:

1. The variances to the following dimensional requirements must first be approved: 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 71% building coverage, or 24,193 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 85%, or 28,812 square feet. The required minimum open space is 20%, or 6,800 square feet, existing open space is 11%, or 3,639 square feet. Whereas, the Applicant is proposing 15%, or 5,189 square feet.
2. The proposed construction shall be consistent with the site plan signed, sealed, and dated December 9, 2021, by K2M Design with updated Landscape and Civil Plans dated January 11, 2022.
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 Lots 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.
4. The City shall install a crosswalk with ADA sidewalk access from the project site to the Fort Street Parking lot.
5. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
6. All sidewalks and walkways shall have a minimum 36-inch width and clearance from objects and

landscaping. Five feet is preferred wherever possible. Flexi-pave shall be utilized in all instances in which sidewalks or parking area is in close proximity to trees, particularly tree #2, #4, and #14, and the canopy trees at the northwest corner of the site. Pavement and sidewalk installation and repaving shall occur with oversight from the Urban Forester.

7. Solid Waste: Sufficient area must be provided for one (1) four-cubic yard trash dumpster, and five (5) 97 Gallon recycle carts. These areas must be fully screened from view from the right of way.
8. All new underground piping shall be located to avoid drip lines of existing tree roots.

Conditions prior to the City Commission hearing:

9. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC).
10. Sanitary Sewer- The Architectural Site Plan and Concept Utility Plan do not depict the required grease interceptor. Please correct plans to provide a grease interceptor for the kitchen plumbing system, including the mop sink, three-compartment sink, and kitchen floor drains, in accordance with the Florida Building Code: Plumbing, Chapter 10, Section 1003. Sewer connections to the grease interceptor shall exclude all non-kitchen generated wastewater flows. (Sec.74-171)
11. Stormwater Management: the proposed exfiltration trench treatment and disposal volume addresses the requirements of the Land Development Regulations, Chapter 108, Article VIII, stormwater and surface water management. Exfiltration trench locations and dimensions will need to be adjusted on the site to avoid impact to tree roots and palms. The City shall maintain and ensure the functionality of the proposed on-site cistern to utilize collected stormwater runoff to irrigate on-site landscaping.
12. The Final Landscape Plan and Site Plan shall reflect replacement of the pavement in the patio ("Paved Seating Area") area with semi-pervious turf material or pervious pavers to further reduce the impervious surface variance. The "Paved Seating Area" shall also be modified to include non-linear perimeter planting beds for shade species (ferns or shrubs, as appropriate) to both improve the onsite open space ratio, aesthetics, and human comfort/functionality of this integral meeting area that links the Gym with the Community Center.
13. Landscape plans revised and dated January 12, 2022, include the removal of two trees, the protection of trees to remain onsite, and the transplanting of additional trees to the Fort Street parking lot, as approved by the Tree Commission and Urban Forestry Manager.
14. Final Landscape approval required from Urban Forestry Manager on behalf of Tree Commission.

Conditions prior to issuance of a building permit:

15. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

Conditions prior to issuance of a Certificate of Occupancy:

16. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.