

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



To: Chair and Planning Board members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: February 21, 2019

Agenda Item: **Minor Development Plan and Landscape Modification/Waiver – 2222 North Roosevelt Boulevard (RE# 00051100-000000)** – A request for minor development plan and landscape modification/waiver approval to allow for reconstruction of a commercial structure on a parcel located within the General Commercial (CG) zoning district pursuant to Chapter 108, Article II, Division 3, Section 108-91 B. 1. (b) and Chapter 108, Article V, Section 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: Minor development plan and landscape waiver / modification for the reconstruction a one-story commercial structure.

Applicant: A20 Architecture, LLC

Property Owner: KOAA, LLC

Property Lessee: 2222 North, Inc

Location: 2222 North Roosevelt Boulevard (RE# 00051100-000000)

Zoning: General Commercial (CG)



Background:

The subject property is a corner lot located at 2222 North Roosevelt Boulevard and it is within the Commercial General (CG) zoning district. Properties to the immediate east and west are also within the CG district. The rear of the property abuts Patterson Avenue and the Single Family (SF) zoning district. The property is not within the Key West Historic District. The parcel is 19,950.48-square-feet and it has one primary structure and one smaller CBS structure.

The proposed minor development plan seeks to reconstruct an existing commercial structure, demolish an existing accessory structure, and install a new accessory structure within a landscaped island. The following development approval would be necessary:

- Minor Development Plan review is required due to the reconstruction of 1,000 to 4,999-square-feet of gross floor area outside of the historic district pursuant to Section 108-91 B. 1. (b).
- A Landscape Waiver/Modification is required because strict application of the standards of Chapter 108 Article VI would be technically impracticable and would effectively deprive the owner of a reasonable use of the land due to its unusual conditions.

Existing Conditions and Additional Background:

Two demolition permits were issued in December of 2018 to remove interior walls and the roof of the existing 1-story structure. The use of the structure prior to the partial demolition was a scooter sales center.

Proposed Development:

The proposal is for the reconstruction of the existing commercial structure and construction of a new accessory structure. The primary structure will be a bank, and the accessory structure will be a drive-through teller structure.

Surrounding Zoning and Uses:

Surrounding properties are located within the General Commercial (CG) and Single-Family (SF) zoning districts. Surrounding uses include a pet supply superstore, a barber/hairstyling shop, a take-out restaurant, and residential dwellings (single-family and two-family).

Process:

Development Review Committee:	January 24, 2019
Conceptual Landscape Plan:	February 12, 2019
Planning Board:	February 21, 2019
Final Tree Commission:	TBD
DEO review	Up to 45 days, following local appeal period

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

City Code Section 108-91 B 1 (b) requires Minor Development Plan approval for the addition or reconstruction of 1,000 to 4,999-square-feet of gross nonresidential floor area outside of the Key West Historic District.

City Code Section 108-196 (a) states after reviewing 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 Minor Development Plan outside the historic district shall be final unless appealed. The board may approve, approve with conditions, or deny the application.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Zoning District	CG			
Flood Zone	AE-7 & AE-8			
Site Size	19,950.48 SF			
Maximum Density	16 du/ac	N/A	N/A	No
Maximum Floor Area Ratio	0.8	0.17	0.15	No
Maximum Height	30'	Principle Structure: 12'-11.75"	14'-0"	No
		Accessory Structure: 9'-2"	11'-6"	
Maximum Building Coverage	40%	17.2%	15.7%	No
Maximum Impervious Surface	60%	93.8%	88.1%	No (Improves upon the existing nonconformity)

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum Open Space	20%	6.2%	11.9%	No (Improves upon the existing nonconformity)
Minimum Front Setback	25' or 10% of lot depth	0'0" / 23'-7.5"	1'8.75" / 25'-3.5"	No (Improves upon the existing nonconformity)
Minimum Side Setback	15' or 10% of lot width up to a maximum of 20', whichever is greater	40'-6.375"	No Change	No
Minimum Street Side Setback	20'	0'-0"	2'-0"	No (Improves upon the existing nonconformity)
Minimum Rear Setback	25' or 10% of lot depth	123'-10.75"	40'-0" (to accessory structure)	No
Off-Street Parking				
Banks	1 space per 300-square-foot of gross floor area (10)	13 spaces, of which 0 are accessible	12 spaces, of which 1 will be accessible	No
Bicycles	25%	0	4	No

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. 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 Minor Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. This portion of the report shall serve as the required written determination of compliance.

1. Potable water supply.

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) and has available capacity to service the proposed development with the existing infrastructure currently in place.

Sec. 94-68 states the Level of Service (LOS) standards for potable water for nonresidential uses shall be 650 gallons/per acre/per day:

Based on per capita nonresidential: $650 \text{ gal/acre/day} \times 0.458 \text{ acres (19,950.48-square-feet)} = 297.7 \text{ gal/day}$.

The total potable water demand for the proposed reconstruction is 297.7 gallons per day.

2. Wastewater management.

The applicant states that the current utility service is adequate to support the proposed development pursuant to City Code Section 94-67. The Code states nonresidential uses at 660 gallons per acre per day.

Based on per acre nonresidential: $660 \text{ gal/acre/day} \times 0.458 \text{ (19,950.48-square-feet)} = 302.28 \text{ gal/day}$

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

3. Water quality.

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water, therefore, no adverse impacts to water quality are anticipated.

4. Stormwater management / drainage.

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The stormwater drainage plans and details are shown on attached sheet number C-1. The impervious surface ratio will improve by 5.7%. Therefore, 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 24 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Based on per capita nonresidential: $6.37 \text{ lbs/capita/day} \times 24 \text{ persons} = 152.88 \text{ lbs/day}$.

The plans show one area designated for enclosed trash and recycling receptacles. The adopted solid waste LOS is anticipated to be adequate to serve the proposed development.

6. Roadways.

The trip generation of the previous commercial use is not addressed by the Institute of Transportation Engineer Trip Generation User's Guide. However, a bank with drive-in lanes is contemplated as Land Use Code 912. Peak hours of the generator were as follows:

weekday a.m. peak hour: between 11:00 a.m. and noon.

weekday p.m. peak hour: varied between noon and 6:00 p.m.

The average rate of trip generation per employee on a weekday is 72.79, with a range of rates of 31.85 – 272.33, and a standard deviation of 46.58.

7. Recreation.

The proposed plans do not show recreation facilities. The proposed development is not expected to impact recreation level of service.

8. Fire Protection.

A life safety plan was submitted by the applicant and reviewed by the lieutenant fire inspector. The applicant is proposing the following features: LED combo exit lights, LED emergency lights, fire extinguishers, ceiling mounted combo smoke detector/carbon monoxide sensors, and wall mounted horn/strobes. Two exits will be available as means of egress.

9. Reclaimed water system.

The proposed plans do not show a water catchment system.

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 satisfy criteria established in:

City Code Chapter 102 (historic preservation)

The property is not located in the historic district and the proposed development would not need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the reconstruction of the commercial building.

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

The proposed site plan is analyzed in greater detail below. Traffic impacts are expected to be minimal with the proposed development when compared with the previous use of the property. The proposed open space, screening, and buffers provided on site will be an improvement from the previous landscaping, although modifications and waivers are requested as part of the development plan review.

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

Potable water and wastewater were found to be in compliance 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 archeological resources are discovered during construction, the Applicant is required to comply with this article.

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

- (a) *Compliance.* The submitted Minor Development Plan has been reviewed for compliance with all applicable performance criteria set forth in Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Chapter 106 (performance standards), Articles I and III through IX of Chapter 108 (planning and development), Chapter 110 (resource protection) and Chapter 114 (signs).
- (b) *Vicinity map.* The subject property a corner lot and is bounded by North Roosevelt Boulevard on the north, Fifth Street on the east, and Patterson Avenue on the south.
- (c) *Land use compatibility.* Uses within 50 feet include single-family residential, two-family residential, and commercial. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* There are no known historic or archeological resources at the property.
- (e) *Subdivision of land.* No subdivision of land is proposed.

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

The Applicant submitted a Minor 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. The property is not located in the historic district and the proposed development would not need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the reconstruction of the commercial building.

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 paved ADA compliant pedestrian walkways, new landscaping, new curbing, delineated parking stalls with wheel stops, and a new screened waste enclosure.

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).

None anticipated for the project.

Environmentally sensitive areas (City Code Section 108-242).

The parcel is located within both the AE-7 and AE-8 flood zones. It is not located within or near a wetland, an upland wildlife habitat, or a coastal high hazard area. It is not located within open water; however, the front boundary of the parcel is approximately 80-feet from open water.



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

- (a) *Land clearing, excavation, and fill.* An existing protected and regulated silver buttonwood tree will be removed from the property.
- (b) *Landscaping plan.* The City of Key West Tree Commission approved the Conceptual Landscape Design Plan (T2019-0020) to allow the project to proceed through the permitting process with the Planning Board. Once approval is received by the Planning Board, the application should be made again to the Tree Commission for Final Landscape approval.
- (c) *Irrigation plan.* An irrigation plan was submitted by the applicant pursuant to Section 108-243 (d).

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

No off-site parking is proposed. The proposed on-site parking for vehicles is shown on the site plans. The minimum off-street parking requirement for the new proposed use is ten spaces, however, the applicant is proposing twelve, of which one will be ADA compliant. The site plan also reflects proposed bicycle parking (4) beneath the roofline.

Housing (City Code Section 108-245):

The development project does not include residential development.

Economic resources (City Code Section 108-246):

The market improved value of the parcel will increase with the proposed development.

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 is not located in the historic district and is within the AE-7 and AE-8 flood zones.
- (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 will be provided to accommodate bus ridership.
- (f) The plans do not specify any special design features that will be utilized to reduce energy consumption.
- (g) The plans do not indicate that the existing building will be elevated.
- (h) There are no private or public recreational facilities shown on the plans.
- (i) Coordination with applicable agencies was facilitated through the DRC.
- (j) No wetlands or submerged land would be impacted.

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

The construction is proposed to proceed in a single phase. The construction is proposed to progress steadily based on the LDRs and the Florida Building Code. Temporary construction fencing and erosion barrier shall be installed and maintained during all phases of construction. All City streets and sidewalks shall be kept clean and safe during all phases of construction.

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 business and professional office is a permitted use within the CG zoning district.

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

The appearance, design, and land use compatibility complement the surrounding properties and upgrades the appearance, cleanliness and over all well-being of the surrounding properties by providing much needed on-site upgrades.

Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280)

The site plans show one location for a trash and recycling enclosure. The HVAC system will be roof-mounted, and appropriate screening will be installed if needed.

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

None proposed.

Utility lines (City Code Section 108-282)

None proposed.

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

Commercial activity will occur within the existing commercial structure. However, a drive through teller structure that will house an automated teller machine (ATM) is proposed in the rear of the property.

Exterior lighting (City Code Section 108-284)

Sheet A3.1 proposes building-mounted LED parking area lighting.

Signs (City Code Section 108-285):

The plans show proposed building signage to be determined. Signage for the parcel is subject to Chapter 114, Article II, Divisions 1 and 4.

Pedestrian sidewalks (City Code Section 108-286):

Paved interior walkways are proposed and will connect to the existing pedestrian access at North Roosevelt Boulevard and Fifth Street.

Loading docks (City Code Section 108-287):

No loading docks are required or proposed.

Storage areas (City Code Section 108-288):

No exterior storage areas are proposed

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

The conceptual landscape plan was reviewed by the Urban Forestry Manager and the Tree Commission at the February 12, 2019 meeting.

Landscaping (Code Chapter 108, Article VI):

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated throughout the property. Overall landscaped open space would increase. The Urban Forestry Manager and the Tree Commission approved the Conceptual Landscape Plan to allow the project to proceed through the permitting process. The applicant will need to seek final approval of the landscape plan after the Planning Board. Nonetheless, full compliance with all landscape buffer requirements of the LDRs is not proposed. The Applicant is requesting modifications and waivers, pursuant to City Code Section 108-517, as outlined in the table below:

Landscaping Modification / Waiver Summary				
Landscaping Type	Minimum Required	Existing	Proposed	Change / Waiver
Street frontage (Sec. 108-413)	10 linear feet of required landscaping / 40 plant units	None	See attached conceptual landscape plan.	Waiver requested
Interior areas (Sec. 108-414)	Planting area of 6' x 60' + 1 shade tree	None	See attached conceptual landscape plan.	Waiver requested
Perimeter (Sec. 108-415)	5.0 feet perimeter landscape strip; 1 canopy tree and 10 shrubs per 35'	None	See attached conceptual landscape plan.	Waiver requested
Landscape screening (Sec. 108-450)	A landscape strip along the entire perimeter of all parking areas except along the portion of the perimeter which is entirely screened visually from adjacent property by buildings on the property being improved.	None	See attached conceptual landscape plan.	Waiver requested

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 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 clearly 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
 - b. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
- (6) *Technical impracticality.* Strict application of the requirement would be technically impractical.

Given the challenges and trade-offs of fully complying with all of the various landscaping requirements of the LDRs, staff recommends approval of the requested landscape modifications and waivers.

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

The previous development provided off-street parking. The plans show eleven (11) 9x18 automobile parking stalls and one (1) 12x18 handicapped parking stall with an adjacent five-foot wide access aisle.

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

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The stormwater drainage swales and calculations are shown on attached Drainage Plan and Details Sheet Number C-1. New trench grates are proposed for the property. In addition, the impervious surface ratio will improve by 5.7 percent, and the open space ratio will also improve by 5.7 percent. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated

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):

This is neither a new public or private construction project that qualifies as a major development plan and exceeds \$500,000.00 in construction costs nor a public or private renovation projects that qualifies as a major development plan and exceeds \$100,000.00 in construction costs.

The one percent for public art fund set-aside requirement does not apply to this project.

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 Minor Development Plan be **APPROVED** with the following conditions:

General conditions:

1. The proposed development shall be consistent with the plans dated February 8, 2019 by Aileen Osborn, Registered Architect and the landscape plans by Keith Oropeza, Registered Landscape Architect.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
4. The applicant shall obtain final landscape plan approval from the Tree Commission.

Conditions prior to issuance of a building permit:

5. Applicant shall coordinate with Keys Energy Services a full project review.

Conditions prior to issuance of a certificate of occupancy:

6. All applicable impact fees shall be paid in full.