

**EXECUTIVE  
SUMMARY**



**To:** Jim Scholl, City Manager  
**Through:** Patrick Wright, Planning Director  
**From:** Ginny Haller, Planner II  
**Meeting Date:** June 5, 2018

**Agenda Item:** **Amendment to a Major Development Plan – 541 White Street (RE # 00006730-000200)** - A request for amendment to a major development plan for the use of 48 BPAS allocations for internal remodeling of existing multi-unit structures on property located in the Historic Special Medium Density Residential (HSMDR) Zoning District pursuant to Sections 108-91 A.2(a) and 108-91.D.1 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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**Request:** Amendment to a major development Plan approval for the use of 48 BPAS allocations for the internal remodeling of existing multi-unit structures.

**Applicant:** Donald Leland Craig, Spottswood, Spottswood, Spottswood & Sterling, PLLC

**Property Owners:** Peary Court Apartments, LLC

**Location:** 541 White Street (RE #00006730-000200)

**Zoning:** Historic Special Medium Density Residential District (HSMDR)



**BACKGROUND:**

The subject property is bound by Palm Avenue, Eaton Street, White Street, Eisenhower Drive and Angela Street within the HMSDR Zoning District. It consists of one 24 acre parcel under single ownership. The property has historically been utilized as army barracks dating as far back as the mid nineteenth century and redeveloped in the early 1990s to 160 Navy housing units. Three of those units were destroyed by fire leaving the 157 units that currently exist on the site today. The property also housed a 10,000 square foot bank building occupied by Keys Federal Credit Union that was demolished in 2013.

In 2012 the Navy sold the property to a non-governmental entity thus making it and its 160 units subject to local zoning control. The City Commission adopted Ordinance 12-33 in September of 2012 which established the HSMDR zoning district for Peary Court as well as set aside 48 affordable building permit allocation (BPAS) units by recommendation of the State Department of Economic Opportunity to satisfy the 30% affordable housing requirements.

In 2015, the property received approval for a Major Development Plan along with the requested Development Agreement pursuant to Section 122-611(e) to seek to construct 48 affordable units as allocated by the city and as set forth-in City Ordinance 12-33. There are currently 157 deed restricted affordable existing non-transient residential units on the property. Three units were destroyed by fire and have the rights to be rebuilt for a total of 160 units potentially on site.

This proposal is to amend the previous major development plan and development agreement approvals. The applicant proposes to use the allocated 48 BPAS units within the building envelopes of the existing structures on the property.

**City Actions:**

Development Review Committee (DRC):	January 4, 2018
Planning Board:	April 19, 2018
City Commission:	June 5, 2018 (1 <sup>st</sup> reading)
City Commission:	TBD
DEO review appeal period	Up to 45 days, following local appeal period

**PLANNING STAFF ANALYSIS**

*Development Plan review*

City Code Section 108-91.A.2 (a) requires the reconstruction of five or more permanent residential and transient residential units 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. On April 19, 2018, the Planning Board reviewed the request and staff recommendations pursuant to City Code Section 108-196(a), and passed Resolution No. 2018-12 advising approval with conditions to the City Commission.

City Code Section 108-198 states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the LDRs and based on the intent of the LDRs and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgement, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing.

**Options/Advantages/Disadvantages:**

**Option 1.** Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2018-12:

**Consistency with the City’s Strategic Plan, Vision and Mission:** Granting the request would be consistent with the Economic and Environmental goals of the Strategic Plan.

**Financial Impact:** The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

**Option 2.** Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

**Consistency with the City’s Strategic Plan, Vision and Mission:** Denial of the requested development plan would be inconsistent with the Strategic Plan.

**Financial Impact:** There would be no cost to the City for denying the request.

**RECOMMENDATION**

Staff and the Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends **Option 1** to the City Commission approving the request with conditions as outlined below:

**General conditions:**

1. 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.

**Conditions prior to issuance of a building permit:**

2. 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.
3. Per the recommendation of the City's Traffic Consultant and the City's Engineering Department, the property owner shall pay the sum of \$3,000 to extend the striping for the turning lane at the White and Eaton intersection due to it being recognized as an underperforming intersection.

**Conditions prior to issuance of a certificate of occupancy:**

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