

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: September 16, 2021

Application: **Major Development Plan and Landscape Waiver** - 322-324 ½ Truman Avenue (RE# 00025530-000000, 00025520-000000, and 00025500-000000) - A request for approval of a major development plan to redevelop eighteen (18) residential units consisting of fourteen (14) affordable units and four (4) market rate units, as well as a landscape waiver, and a request for an exemption to the minimum size of affordable workforce housing units in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 108-91, 108-517, 122-596, 122-597, and 122-1467(2)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

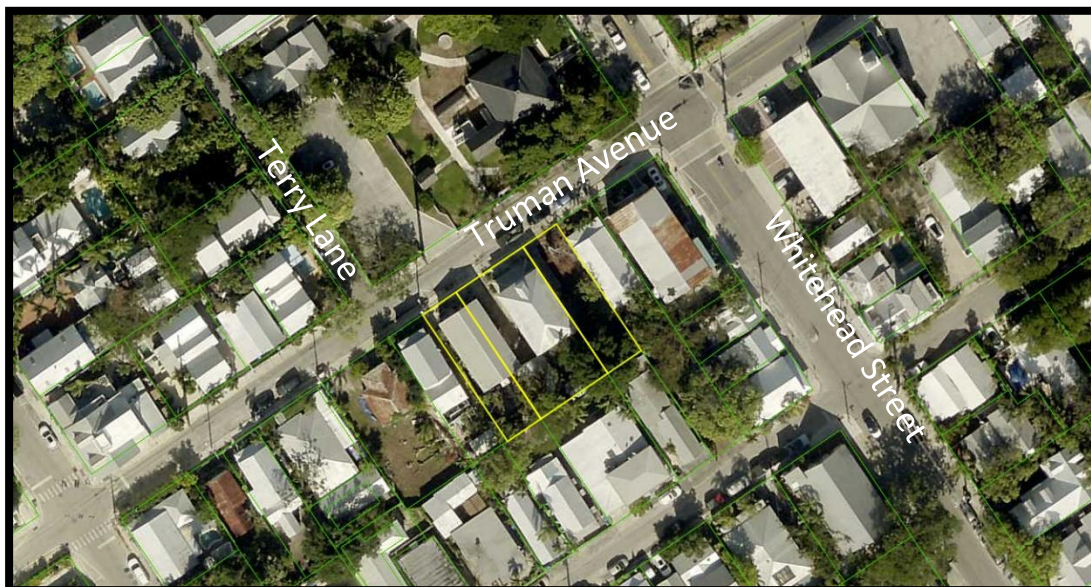
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Request: The applicant is requesting approval of a major development plan to redevelop eighteen (18) units, fourteen (14) units are proposed to be affordable workforce housing, and four (4) units are proposed to be market rate.

Applicant: Smith/Hawks

Property Owner: TD Group Truman Ave. LLC

Location: 322-324 ½ Truman Ave. (RE# 00025530-000000, 00025520-000000, and 00025500-000000)



**Background:**

The subject parcel is located at 322-324 ½ Truman Avenue, near the corner of Truman Avenue and Whitehead Street and currently consists of two housing structures. According to the Historical Architectural Review Commission, the housing structure addressed as 324 Truman Avenue was constructed in 1920, is historic and contributing to the Key West Historic District. The other housing structure on the lot was constructed in the 1950's and is considered historic, but not contributing. The parcel is zoned HMMDR and is surrounded by HMMDR zoned properties in all directions. The property is approved for eighteen (18) residential units, sixteen (16) residential units were addressed for 322

Truman and an additional two (2) units were addressed for 324 Truman, totaling eighteen (18) units.

The property owner in 2017 applied for a Lawful Unit Determination, LUD, at the property addressed as 322 Truman Avenue. The City established that there were sixteen units in total at the property, two (2) market rate and fourteen (14) affordable units on the property. The applicant has applied to redevelop these sixteen (16) units as well as two (2) units from 324 Truman.

The applicant has proposed six (6) housing structures in total for the eighteen (18) units. The non-contributing structure addressed as 322 Truman is proposed to be demolished and two (2) new housing structures, per HARC approval, will be constructed on the lot and house eight (8) units in total. The applicant has proposed to restore the historic structure at 324 Truman with interior renovations which would house four (4) units. The applicant has stated they will not alter the exterior portion of the historic structure. Additionally, the applicant has proposed to add a new rear housing structure behind the historic structure which would house two (2) units. The applicant has proposed an additional two (2) new housing structures, per HARC approval, on the lot addressed as 324 ½ Truman; the new structures are proposed to house two (2) units each.

The applicant stated in their application that fourteen (14) of the proposed units to be redeveloped will be deemed workforce affordable units per Division 10 of Chapter 128 of the City's Land Development Regulations (LDRs). To meet affordable workforce housing guidelines, "the maximum total rental and/or sales price for all affordable work force housing units in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the total value of rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income)." A deed restriction shall be recorded in the county records for a period of at least 50 years.

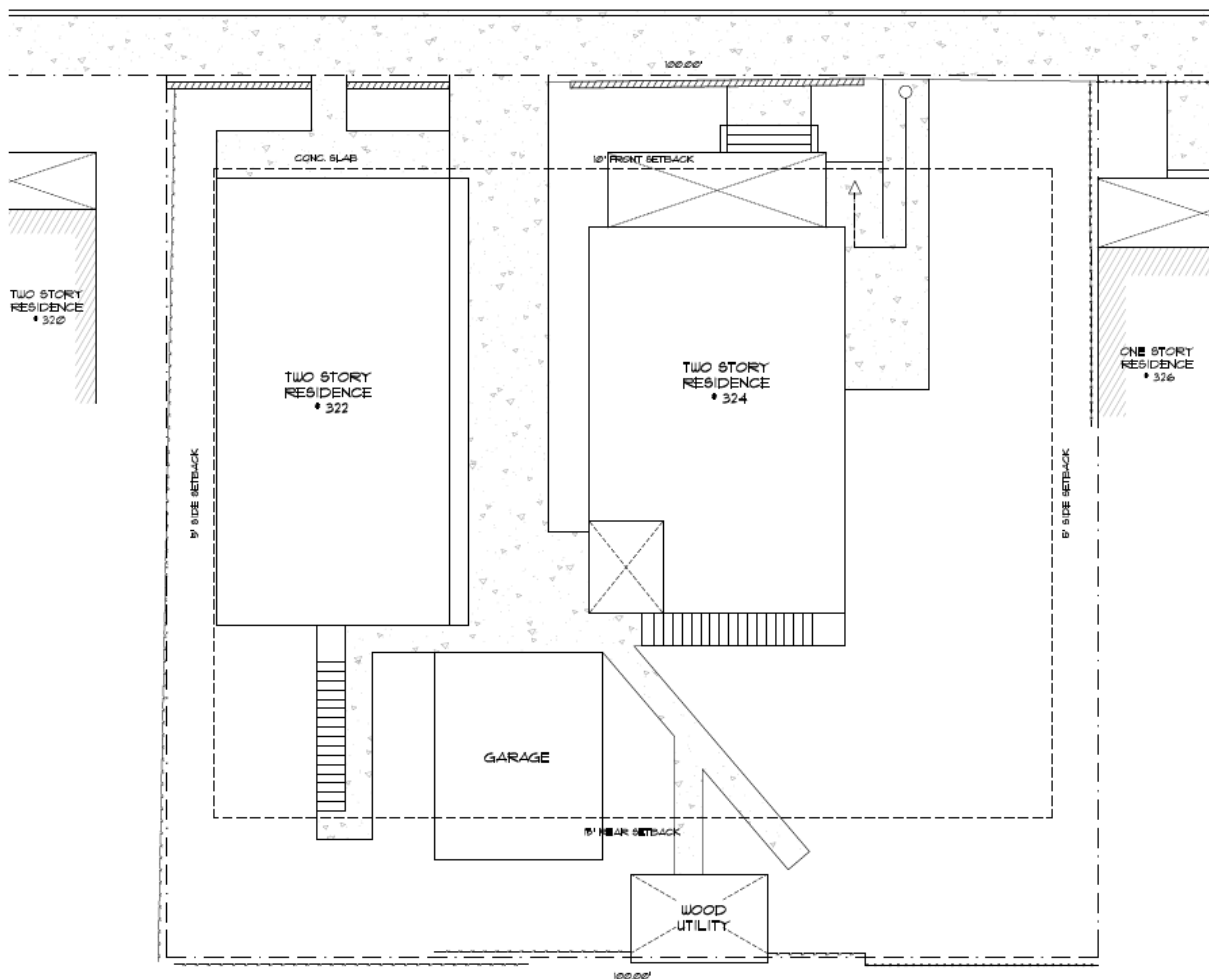
**Proposed Development:**

The site table below details the current and proposed site data for the property. Three variances are proposed for this development.

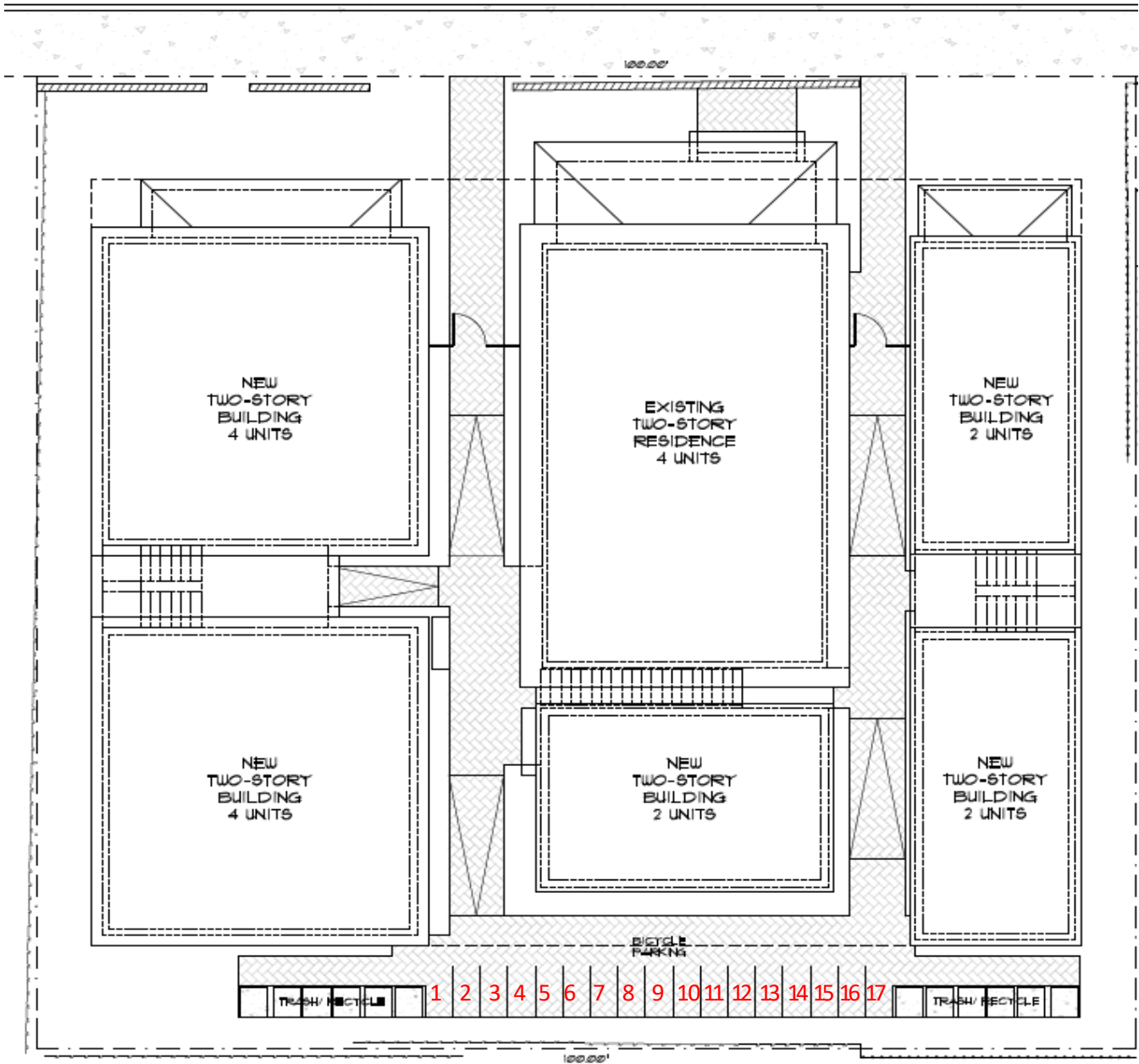
Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	X			
Size of Site	9,470 sqft			
Height	30	n/a	n/a	n/a
Front Setback	10'	n/a	n/a	No change
Side Setback	5'	n/a	n/a	No change
Rear Setback	15'	0	10'	5'
Building Coverage	40% -- 3,788 sqft	36.5% -- 3,452 sqft	57.7% -- 5,463 sqft	17.7% -- 1,675 sqft
Impervious Surface	60% -- 5,682 sqft	51.1% -- 4,842 sqft	73.1% -- 6,923 sqft	13.1% -- 1,241 sqft
Open Space	35% -- 3,314 sqft	49% -- 4,628 sqft	27% -- 2,547 sqft	8% -- 767 sqft
Parking	1 per dwelling unit	2 spaces	0 spaces	18 spaces

Existing Site Plans, submitted by applicant,

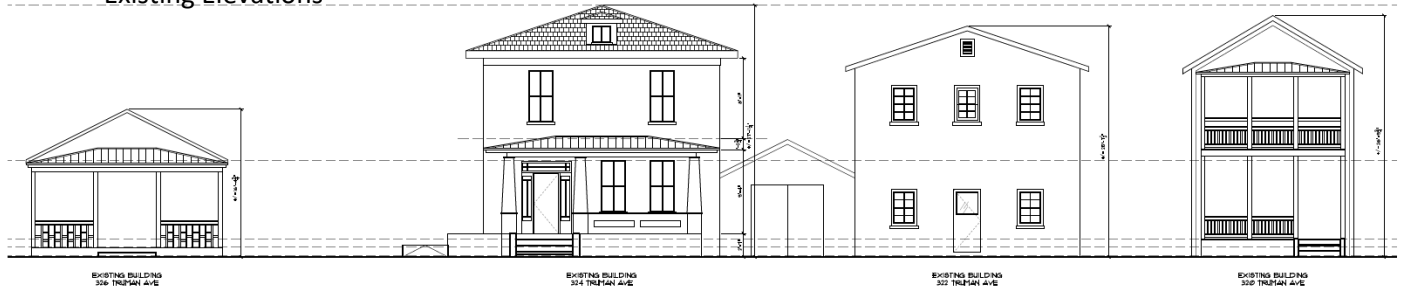
Truman Avenue



Truman Avenue



## Existing Elevations



## Proposed Elevations

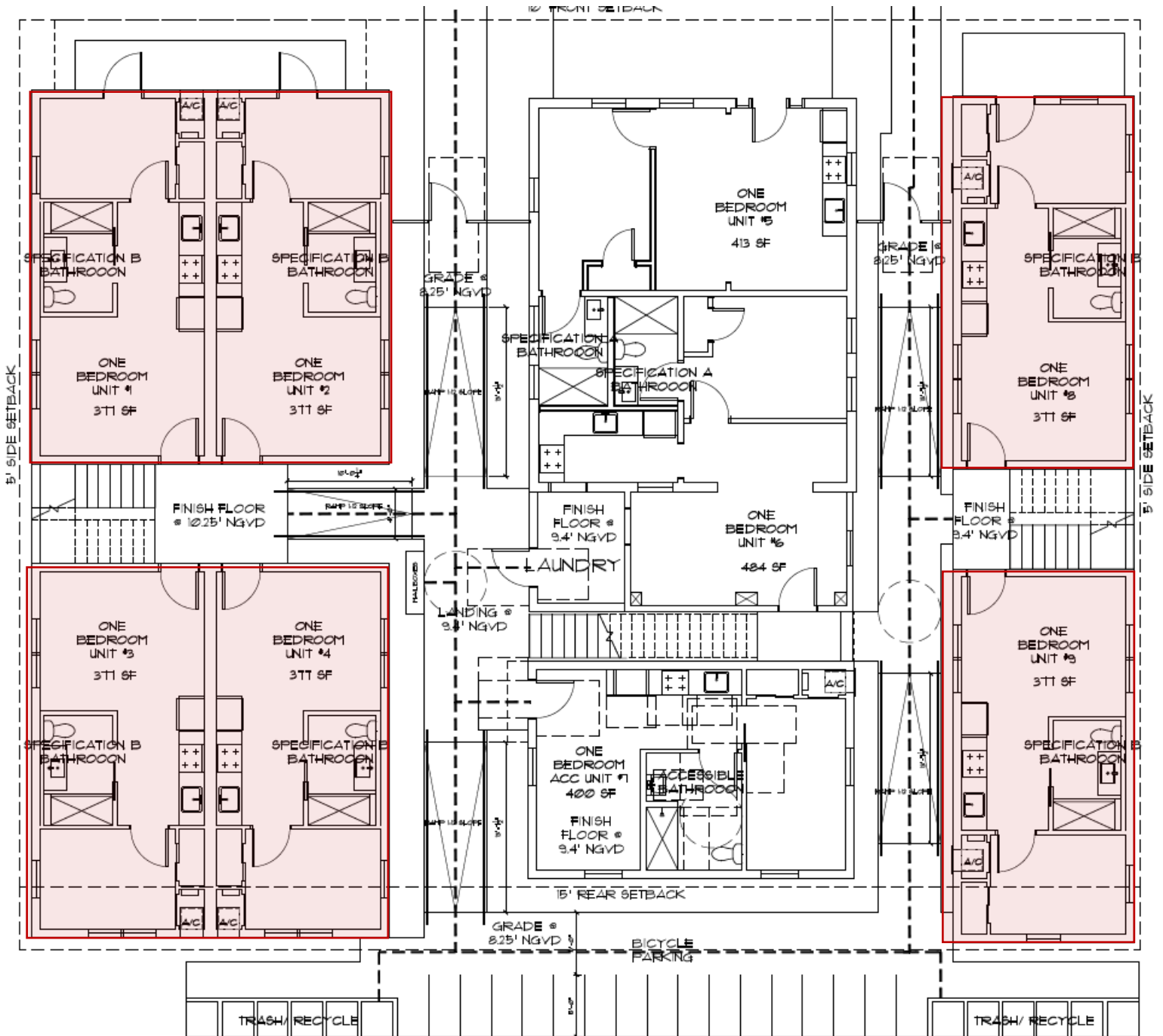


The applicant has proposed to add five new housing structures for a total of six housing structures on the lot. The applicant has proposed to remove the wood utility shed, the garage, and the non-contributing housing structure. Linking the new structures, the applicant has proposed to install staircases between each structure and brick pavers from the front to the rear of the lot. In addition, the applicant has proposed to add seventeen bike parking spaces for bikes, e-bikes, and/or scooters.

The applicant has proposed to construct affordable units somewhat smaller than the code required minimum affordable unit size of 400 square feet. Twelve (12) units are proposed to be built at 377 sqft, the remaining six (6) units are proposed to be above the 400 sqft threshold. The project must be reviewed for an exemption to the minimum unit size.

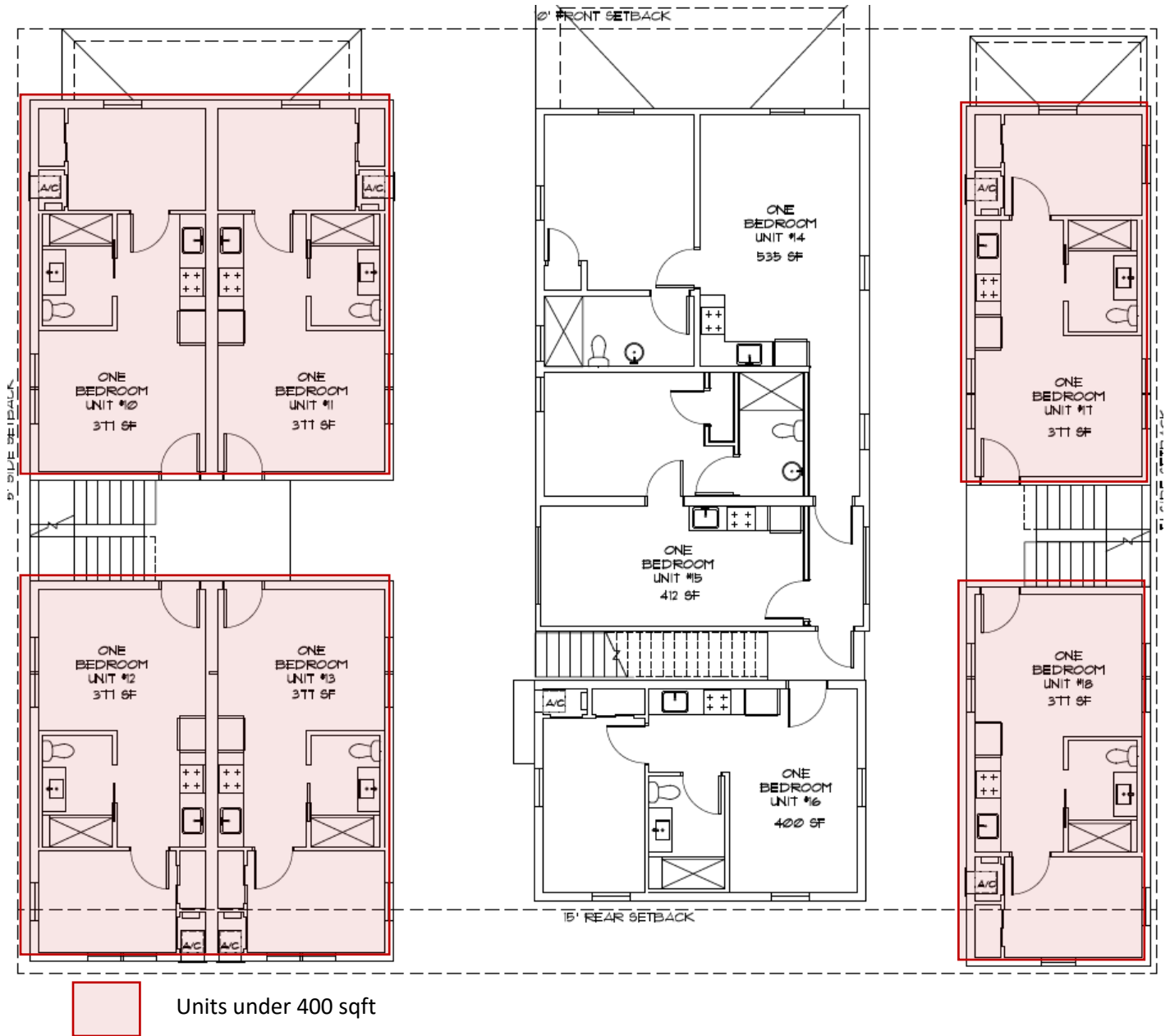
The applicant currently has two off-street parking spaces on the property as well as a garage for an additional parking space. The applicant has applied to remove these off-street parking spaces; the Planning Department has determined that removal of the off-street spaces would cause a detriment to the surrounding property owners and the surrounding on-street parking in the neighborhood. Staff completed a site visit on July 26th at 12:00 in the afternoon and documented that most of the on-street spaces on 300 block of Truman Avenue and both the 900 and 1000 block of Thomas Street were Residential parking spaces, and most were in use.

Proposed First Floor site plans, submitted by applicant



Units under 400 sqft

Proposed Second Floor site plans, submitted by applicant



Process:

Development Review Committee:  
 Planning Board Meeting:  
 Tree Commission Meeting:  
 HARC Commission Meeting:  
 City Commission:  
 Local Appeal Period:  
 Planning renders to DEO for review:

April 22<sup>nd</sup>, 2021  
 September 16, 2021  
 November 9, 2021  
 October 27, 2021  
 TBD, 2021  
 10 Days  
 Up to 45 days

### **Staff Analysis - Evaluation:**

Section 108-91 states that the reconstruction of five or more units in the Historic District is classified as a major development plan. The proposed major development plan includes the reconstruction of eighteen (18) residential units. The applicant has not proposed a phased development plan and would develop the lot concurrently. Section 108-196 states that the Planning Board shall act by resolution to recommend to approve, approve with conditions, or disapprove a major development plan based on specific development review criteria contained in the Land Development Regulations and the intent of both the City Code and the LDRs.

### **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.

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

- The development plan shall satisfy criteria established in: Chapter 102; articles III, IV and V of Chapter 108; section 108-956; and article II of chapter 110, included in staff's review below.

### **City Code Chapter 102 (historic preservation)**

- The historical contributing structure will be renovated, and the exterior is not proposed to be altered. The five (5) new structures will require a certificate of appropriateness from the HARC Commission.

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

- The proposed major development plan would allow the reconstruction of eighteen (18) single-family units. The applicant has proposed to remove two parking spaces currently on the property and has proposed zero off-street parking spaces for the proposed development. The eighteen (18) units are proposed to have lease restrictions that "prohibit 4-wheeled vehicles". Scooters, e-bikes, and bicycles are allowed and seventeen (17) on-site spaces are proposed. The City of Key West recognized an additional fourteen (14) units at the property in 2018 with evidence that the units had been there since at least 2010. The proposed project redevelops these units from single dormitory style rooms to one-bedroom one-bathroom apartments, the proposed site design would result in the elimination of the current off-street parking on the property. The introduction of 18 one-bedroom, one-bathroom units may increase the amount of traffic generated from the site and may be a detriment to the surrounding neighborhood's level of service and the ability of residents to find available on-street parking.

The Department has received concerns from neighbors regarding how the City will monitor and enforce the proposed lease restrictions limiting vehicle access by tenants. Negative impacts to the neighborhood given the lack of on-site parking are anticipated given that up to 36 adults may reside



at the site. In addition, the site's lack of onsite bicycle and scooter parking (17 spaces for up to 36 adult tenants) does not reflect a model that would absorb all bicycles/scooters that would be needed if tenants did agree to bypass vehicle ownership.

- The applicant has proposed landscaping but will still be deficient for side buffer-yard landscaping due to the five feet setback and the Fire Marshal's office requesting five feet setbacks for life/safety reasons. The property would also be deficient in the code required interior canopy trees and open space, as such, the Planning Department has suggested the use of pervious pavers to improve drainage.
- The proposed project was granted approval for the Conceptual Landscape Plan on June 30<sup>th</sup>, 2021 (Urban Forester's Staff Report Attached). Upon approval from the Planning Board and HARC, the final Landscape Plan approval shall be reviewed for approval at the next available Tree Commission meeting before appearing before City Commission.

#### **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 development plan submitted for review should be in compliance with all applicable performance criteria set forth in chapter 94, chapter 102, chapter 106, articles I and III through IX of this chapter, chapter 110 and chapter 114.

- The submitted major development plan has been reviewed for compliance with all applicable performance criteria. It is the Planning Department's determination that the application is in compliance with all applicable criteria.

(b) *Vicinity map.*

- A vicinity map is attached to this report.

(c) *Land use compatibility*

- Land use compatibility. Adjacent land uses shall be identified including current zoning designation, conditional uses and/or special districts within 50 feet of the boundaries for a minor development, and 100 feet of the boundaries for a major development. Properties within 100 feet are located within the HMDR Zoning District. Adjacent land uses within 300 feet include residential and civic and cultural uses. There is no subdivision of land proposed at this time and transient uses are not allowed at this property nor in the zoning district.

The Historic Medium Density Residential (HMDR) zoning district has a residential density maximum of sixteen (16) dwelling units an acre. The total square footage of this development site is 9,541 square

feet which equates to 0.22 acre or a maximum of four (4) residential dwelling units for this zoning district. Although the owner of this property is entitled to a legal non-conforming density of 18 units for this site, staff finds that this density is likely to cause negative impacts to the neighborhood, primarily related to parking and supports the development of a modified site plan that would incorporate on-site parking, compliant with Historic District guidelines.

**(d) *Historic and archeological resource protection.*** A review of the project's impact on archaeological and historic resources shall be included.

- There are no proposed impacts on archeological or contributing historic resources. The historic, non-contributing structure is proposed for demolition, but it is not a significant historical resource. The applicant has stated that they do not proposed to alter the exterior of the contributing historic structure.

**(e) *Subdivision of land.*** Any subdivision of land shall comply with section 108-1 and chapter 118 pertaining to subdivisions.

- There is no subdivision of land proposed at this time.

#### **Site and structures (City Code Section 108-236 – 108-246)**

- The site is located in the Historic District, the proposed major development project is an overall harmonious design per Section 108-278. The proposed project consists of six (6) structures that span most of the lot. Historically the parcel has been residential and is proposed to remain residential. The proposed new structures must receive a Certificate of Appropriateness from the Historic Architecture Review Commission.

With respect to Section 108-244, staff has indicated concern related to the off-site parking impacts that may result from this project and the deficit of on-site parking for automobiles, bicycles and scooters.

With respect to Section 108-245, staff requested a breakdown of rental unit prices or price ranges in late August 2021, but to date has not yet been provided this information.

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

- Construction will take place pursuant to approval from the Planning Board and ratification by the City Commission. Inspections will take place during the building permit process.

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

- Code Section 108-570 requires one (1) off-street parking space per single-family dwelling unit. The applicant has applied for a parking variance to the required eighteen (18) off-street parking spaces for the residential units and will place seventeen (17) bicycle parking spaces on the property. The City has determined that the applicant should include bicycle and scooter parking for every resident, this is specified in Comprehensive Plan Policy 2-1.4.2: - Bicycle and Pedestrian Facilities Required for New Development.

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

- No changes proposed, however a stormwater management plan shall be submitted pursuant to Sec. 108-777 prior to final approval.

### Utilities (Code Chapter 108, Article IX)

- The applicant proposes to update both the plumbing and electric as part of the Major Development Plan.

### Workforce Housing (Code Chapter 122, Division 10)

- The applicant has proposed to redevelop fourteen (14) affordable workforce housing units, or 78% of the total proposed units. The proposed units do not meet the minimum code required size, code requires a minimum square footage of 400 sqft, the proposed affordable workforce housing units are proposed to be 377 sqft. The applicant would be required to receive approval from the City Commission for the reduction of minimum size for affordable workforce housing units.

### Recommendation:

The proposed development plan for the property located at 322-324 ½ Truman Avenue includes construction and redevelopment of a total of eighteen (18) units. The Planning Department has determined that the proposed project does not meet the criteria established by the Comprehensive Plan and the Land Development Regulations for a Major Development Plan. The City is committed to affordable housing, as such, Staff recommends the applicant redesign the site to attempt to address neighborhood parking concerns, incorporate off-street vehicle parking spaces, include appropriate bicycle and scooter parking for anticipated two person occupancy for some if not all apartment, and thereby better conform with the criteria in Section 90-395 and related sections of the LDRs. At this time, staff recommends **denial**.

If the Planning Board chooses to approve the major development plan, the Planning Department recommends the following conditions:

#### Conditions of Approval:

1. All tenant leases shall include a sworn affidavit and language to prohibit use of four-wheeled automobiles, carts, or similar sized vehicles to access residential units at 322 and 324 1/2 Truman Avenue. This language shall establish that there will be no on-street parking associated with residential units at 322/324 Truman Avenue and vehicle usage by tenants to access this property shall be reviewed by the City of Key West Code Department yearly.
2. Utilize pervious pavers instead of non-pervious brick pavers throughout the development.
3. Construct additional onsite bicycle parking spaces to accommodate all potential tenants.

#### Conditions prior to placement on City Commission agenda:

4. The Major Development Plan must receive a Certificate of Appropriateness from the Historic Architectural Review Commission.
5. The Major Development Plan must receive final landscape plan approval from the Tree Commission.
6. The applicant shall submit documentation regarding cistern requirements and shall provide detail on the stormwater management plan indicating how gutter downspouts will connect to an exfiltration system, for new and existing structures.
7. Applicant must submit breakdown of unit rental structure such that staff may determine compliance with Section 122-1467.

Conditions prior to issuance of a building permit:

8. Applicant receive approval from City Commission for the smaller than code required units under the Workforce Housing provision in the City Code.
9. Applicant comply with stipulations of Division 10 Workforce Housing, Chapter 128, of the City's Land Development Regulations (LDRs), including submittal of deed restrictions recorded with the Clerk of Courts of Monroe County for a period of at least 50 years for 322 Truman, 324 Truman, and 324 ½ Truman Ave.

Conditions prior to Certificate of Occupancy:

10. Additional sprinkler heads be installed in the exterior stairwells, per Fire Marshal's Office.
11. No trees or shrubs planted in front of egress windows, herbaceous groundcover is okay, per Fire Marshal's Office.
12. A yard hydrant be installed in the rear of the property, per Fire Marshal's Office.
13. A Fire Department Connection (FDC) is required at the property, per Fire Marshal's Office.