

## EXECUTIVE SUMMARY



**To:** Jim Scholl, Interim City Manager

**Through:** Donald Leland Craig, AICP, Planning Director

**From:** Carlene Smith, LEED Green Associate, Planner II

**Meeting Date:** October 21, 2014

**RE:** **Major Development Plan & Conditional Use Application – 1512 Dennis Street & 1515 - 1525 Bertha Street (RE# 00063400-000000, AK# 1063835 & RE# 00063400-000100; AK# 8850701) - Request for Major Development Plan and Conditional Use Application with Landscape and Buffer-Yard Waiver approval for the phased demolition and reconstruction of 7 of the 16 existing convalescent-units, construction of 7 new units and an administration building at property located in the CL zoning district per Sections 108-91(B)(2)(a)&(b) and 122-388(6) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

### ACTION STATEMENT:

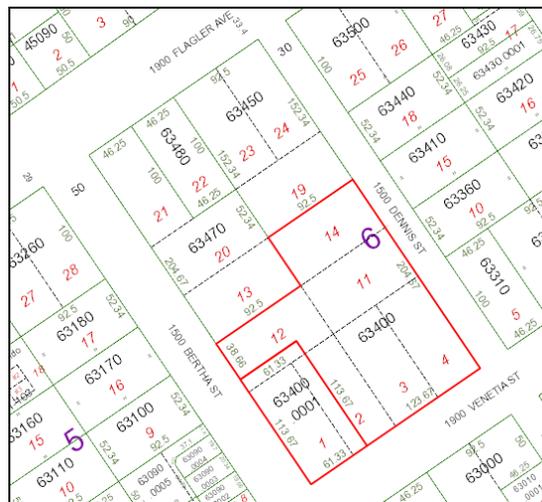
Request: To grant a major development plan, conditional use and landscape and buffer-yard waivers to reconstruct 7 of the 16 existing convalescent dwelling-units, construct 7 additional new units for a total of 23 units and an administration building.

Applicant: Trepanier and Associates, Inc.

Property Owner: Aids Help of Monroe County, Inc.

Location: 1512 Dennis Street & 1515 - 1525 Bertha Street (RE# 00063400-000000, AK# 1063835 & RE#00063400-000100; AK# 8850701)

Zoning: Limited Commercial (CL) zoning district



**BACKGROUND:**

This project is proposed for the redevelopment of an existing convalescent home property fronting on to Dennis, Venetia and Bertha Streets. The property is comprised of 16 residential units which were once market rate and transiently licensed units now converted to the current convalescent home. The property has been subject of Transient License Transfers and the owner anticipates removing this historic use entirely through additional transfers.

While density is normally counted in “units”, convalescent homes are measured in Floor Area Ratio per Section 86-9(2)h. The original unit count that existed is the same number as is present today: 16. Because units in convalescent homes are counted through FAR at a value of 0.1 BPAS equivalent for each living unit, bedroom bath combination, with or without cooking facilities. The total number of existing BPAS allocations necessary for this project went from 16 to 1.6 plus the 0.7 for the new. The 23 total units proposed requires 2.3 BPAS allocations. The 7 additional units to be built come from this fractional pool. There is no need for new BPAS allocations due to the surplus on the site. The fractional use of BPAS is due to the convalescent/service component.

The applicant proposes reconstructing 7 of the 16 existing units, constructing 7 new units and the administration building. The reconstruction will provide upgraded modern facilities for the residents of Marty’s Place. The addition of the administration building will offer on-site health services as well as general property management facilities which are absent at this time.

**City Actions:**

<b>Development Review Committee Meeting:</b>	March 27, 2014
<b>Tree Commission (Preliminary):</b>	June 10, 2014
<b>Planning Board Meeting:</b>	June 19, 2014 - postponed
	July 17, 2014 (PB Resolution 2014-40)
<b>Tree Commission (Final):</b>	October 14, 2014

**PLANNING STAFF ANALYSIS:**

**Development Plan Review**

Section 108-91 B(2)a of the City of Key West Land Development Regulations requires that any proposed plan including the addition or reconstruction of 11 or more residential dwelling units shall require a Major Development Plan. Section 108-196(b) of the Land Development Regulations intends that the Planning Board’s decision on a major development plan outside the historic district shall be advisory to the City Commission. If approved, the Planning Board will then make a recommendation 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 LDR’s 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 judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the LDR’s. 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.

### **Conditional Use Review**

Pursuant to City Code Section 122-62(a), a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and or the City Commission during review of the respective application in order to ensure compliance with the Comprehensive Plan and LDRs. If the proposed conditional use is a major development pursuant to City Code Sections 108-165 and 108-166, the Planning Board's decision is advisory only and the City Commission shall render the final determination pursuant to City Code Section 122-63. A conditional use shall be denied if the City determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest.

Planning staff and the Planning Board have reviewed the request for compliance with the specific criteria for approval pursuant to City Code Section 122-62(c), as detailed in the attached Planning Board staff report. On July 17, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-40 advising approval with conditions to the City Commission.

### **Landscape Modification / Waiver Review**

Section 108-413(b) establish the requirement for landscaping along the perimeter boundary of a site, and buffer yard. The applicant is requesting the landscape, buffering and waiver as allowed by Section 108-413, 108-415, 108-416 and 108-450. Staff analysis of the waiver of the perimeter and buffer is supported by the fact that the conditions involved occurred after the effective date of the ordinance from which this section derives. The applicant is scheduled for Tree Commission hearing on October 14, 2014 for approval of additional landscape requirements.

On July 17, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-40 advising approval with conditions to the City Commission.

### **Options / Advantages / Disadvantages:**

**Option 1.** Approve the major development plan, conditional use and landscape and buffer-yard waivers to reconstruct 7 of the 16 existing convalescent dwelling-units, construct 7 additional new units for a total of 23 units and an administration building as advised by the Planning Board in Resolution No. 2014-40, with the following conditions:

#### **General Conditions:**

1. The applicant shall obtain variances to maximum building coverage, maximum impervious surface ratio, front, side and rear-yard setback.
2. The applicant shall address Engineering comments dated March 27, 2014.
3. Any lighting fixtures shall meet "Dark Sky" lighting standards.
4. Construction Management Plan be implemented.
5. Any use of new BPAS allocations for any part of this project shall require that all structures meet the minimum prerequisites of the BPAS ordinance as to sustainable building features and elevation for FEMA purposes.

**Conditions subject to a Conditional Approval Permit, per Ordinance 10-22 subject to an associated annual inspection:**

6. All swales and landscaping shall be maintained.
7. Phase 1 of the development shall be complete by October 31, 2017, or shall require one and only one extension approved by the City Commission prior to the expiration date of the resolution of the City Commission approving the Development Plan.
8. Phase 2 of the development Plan shall be complete by October 31, 2019 or shall require one and only one extension approved by the City Commission prior to the expiration date of the resolution of the City Commission approving the Development Plan.

**Consistency with the City's Strategic Plan, Vision and Mission:** Granting the request would be consistent with Economy and Environment 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 easement would not be inconsistent with the Strategic Plan.

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

**RECOMMENDATION: Option 1.**

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, Staff and the Planning Board recommends **Option 1** to the City Commission approving the request with conditions listed above.