



Background:

The site is a lease area that is part of the larger Bight District owned by the City, currently leased by the Schooner Wharf as an outdoor bar and restaurant. The lease area is located near the foot of William Street fronting the harbor walk and Lazy Way Lane, a City owned pedestrian and bicycle lane. The area is immediately surrounded by other restaurants, retail uses, charter boat rentals and parking lots. The site is immediately north of the former Jabour’s RV Park, which is presently being considered for the construction of a hotel. The entire site is currently non-conforming to dimensional requirements, impervious surface, open space and landscaping. It is also non-compliant to the Coastal Construction Control line setback. As part of the 1994 Bight Master Plan, parking for the Bight uses was contemplated as part of the development of the Caroline Street parking lot.

In 2010 the existing two-story CBS structure used for consumption area and offices, located along the harbor walk on the north eastern portion of the site, was partially destroyed by a fire. As part of a settlement agreement the city is required to reconstruct office space for the lease owner on the site. Therefore, this development plan request is limited to the redevelopment of the existing CBS structure and the area behind it along Lazy Way Lane that has been used for the location of a ticket booth, miscellaneous storage of white goods and maintenance equipment. The existing infrastructure on the site is not a historically contributing structure, and has undergone limited improvements after a fire several years ago.

Please see the attached architectural drawings which for the new building and renovation of the existing building, which received HARC approval on March 4th and March 18, 2012 (H12-01-258)

Request:

This Minor Development Plan request is limited to the eastern portion of the lease area restaurant site as described above for the redevelopment of the existing CBS structure and the undeveloped

area behind it along Lazy Way Lane that has been used for miscellaneous storage of white goods and maintenance equipment. Improvements to the existing building include a new roof and the second story floor area that was lost in the fire will not be replaced. No access is proposed to the rooftop area. The new two-story structure behind it is proposed to replace the second floor office that was lost and the ground floor will be designed and used as a floodway compliant storage area. The proposed new building is approximately 1,010 square feet of floor area that will replace approximately 850 square feet of office, in addition to a ticket booth and a storage areas. Because the building is required by FEMA to be elevated and the downstairs area is screened with break-away walls, the use of the downstairs area is limited to uses that meet the City's flood plain regulations and does not require parking. The project is in the Pedestrian Oriented Commercial Area and no new floor area is proposed; although as mentioned above, the Caroline Street parking lot was designed to accommodate the site uses.

According to documents provided by the applicant, the second story of the proposed structure is exempt from Federal ADA requirements. The applicant has provided information regarding federal standards for ADA compliance that have been reviewed by the City's ADA Coordinator. Please see the information provided under the DRC Review Attachments.

Surrounding Zoning and Uses:

North: C- OW: Key West Bight Harbor Marina and harbor walk
South: HRCC-1: Proposed Harborside Hotel project site
East: HRCC-2: Proposed Waterfront Brewery Restaurant, tourist and retail shops
West: HRCC-1: Tourist and retail shops

The proposed office use is a **Permitted Use pursuant to Section 122-717 of the Land Development Regulations.**

Process:

Development Review Committee Meeting:	April 26, 2012
HARC Meeting:	March 4, 2012 March 18, 2012 #H12-01-258
Planning Board Meeting:	May 17, 2012 – No Quorum May 31, 2012 – Special Meeting
City Commission Meeting:	TBD

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 A(1)b of the City of Key West Land Development Regulations requires that any proposed plan within the historic district including the addition or reconstruction of 500 to 2,499 square feet of gross floor area shall require a Minor Development plan. Section 108-196(a) of the Land Development Regulations states that “after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.” A Minor Development Plan in the historic district is advisory to the City Commission.

The Schooner Wharf Bar lease area is part of the greater Key West Bight parcel owned by the City of Key West and is considered an integral part of the larger parcel. The lease area although assigned an identification number by the County property appraiser is not a legally subdivided separate parcel. The size of the lease parcel can be changed at any time the lease is amended although the proposed development site is located adjacent to the waterfront. Therefore, the proposed development is consistent with the dimensional requirements for the entire Bight parcel (see attached site survey) with the exception of the Coastal Construction Control Line Setback.

Planning staff, as required by Chapter 108 of the City Code of Ordinances, has reviewed the following for compliance with the City's Land Development Regulations and Comprehensive Plan:

Project Data				
	Required/ Allowed	Existing	Proposed	Variance Request
Zoning	HRCC-1			
Flood Zone	VE-11			
Size of related area Bight Property	33,000 s.f			
Size of Leasehold Area	5,850 s.f			
Front Setback (William Street)	0'	4.41'	4.41'	None Required
Northerly Side yard Setback	2.5'	4'	4'	
Southerly Side yard Setback	2.5'	+100	No change	
Height	35' plus an additional 5' for pitched roof	15'	27'8"	
FAR	1.0 (5,850 s.f for leasehold area)	No change proposed		
Building Coverage	50% (15,600 s.f)	N/A		
Eastern CCCL	30'	12'	No change	Existing non- conformity. None Required
Northern CCCL	30'	13'	13'	17'
Impervious Surface	70% (s.f)	N/A	Net reduction of 390 s.f	Existing non- conformity. None Required
Open Space/ Landscaping	20% (s.f)	N/A	Net increase of 390 s.f	
Vehicular Parking for office use	4	Provided in Caroline Street Lot. No new parking required		None Required
Bicycle Parking	1	Provided by city along Lazy Way Lane	None proposed	

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

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that 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. Section 94-36 requires a concurrency determination to be made concerning proposed development. The applicant provided a concurrency analysis as part of this application. Staff has reviewed the provided concurrency analysis report and following criteria in Section 94-36 and determined that the proposed project meets the City's requirements for concurrency management with the exception of stormwater management. The City's General Services Department has specified improvements necessary to meet code requirements and conditions to ensure stormwater management is included. This portion of the report shall serve as the required written determination of compliance.

1. The anticipated public facility impacts of the proposed development:

The proposed development is not anticipated to generate any public facility impacts because the project replaces pre-existing area.

2. The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:

The existing facilities are expected to accommodate the proposed redevelopment project at the adopted level of service standards.

3. Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:

There are no existing facility deficiencies which will need to be corrected prior to the completion of the proposed development.

4. The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and

There are no facility improvements or additions that are necessary to accommodate the impact of the proposed redevelopment other than stormwater improvements contained in the site plan package.

5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development:

This criterion is not applicable, as there are no known facility improvements or additions that will need to be completed for the redevelopment project other than stormwater improvements that have been incorporated into the plans.

Fire Protection (Section 108-233 (8))

No new fire hydrants are proposed as part of this project. The Fire Marshall determined at the DRC meeting that that the new development appears to be in compliance with regulations. The new building will be protected by fire suppression sprinklers.

Other Public Facilities (Section 108-233 (10)):

Based on comments received at the DRC meeting and project description, and based on the information in the concurrency analysis, the proposed minor development plan is not anticipated to increase adverse effects upon public facilities.

Appearance, Design and Compatibility (Section 108-234):

1. Compliance with Chapter 102; Articles 111, IV and V:

The Planning Department coordinated with the City's Historic Architectural Review (H.A.R.C.) Planner, and determined that the project is in compliance with Articles III, IV, and V of Chapter 102 of the City Code. The property is not listed in either the local or National Register of Historic Properties in Key West, and therefore is not considered to be a contributing structure. Although not considered to be contributing, the proposed project did require H.A.R.C. approval. On March 4th and on March 18, 2012, a Certificate of Appropriateness was granted for the demolition of the existing structure and development of the proposed two story office space. A certificate of appropriateness was issued (#H12-01-258).

2. Compliance with Section 108-956:

The applicant has demonstrated that there is access to potable water and to wastewater disposal systems.

3. Compliance with Chapter 110; Article II:

If any archeologically significant resources are discovered during the development of the site, the applicant will be required to comply with this article of the Land Development Regulations.

Site Location and Character of Use (Section 108-235):

The project site is located in the HRCC-2 zoning district. Commercial retail low and medium intensity less than or equal to 5,000 square feet businesses and professional offices are permitted uses in this zoning district. This project proposes offices ancillary and accessory to an established restaurant and bar. Based on the surrounding zoning and land uses, the proposed Minor Development Plan appears compatible with neighboring properties.

1. Appearance of site and structures (Section 108-236 and 108-278):

The development plan exhibits harmonious overall design characteristics, and is in compliance with the performance standards stipulated in Sections 108-278 of the City Code. The site is conforming to the Code requirements. The new construction including massing and scale have been approved by HARC through certificate of appropriateness #H12-01-258.

2. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

Mechanical equipment and utility hardware will be screened from view. The use will be serviced by the existing waste and recycling handling center for the Bight, adjacent to the Waterfront Market. The service area is adequate to accommodate the proposed change to the building. It is enclosed from view by an existing wood frame structure and meets the requirements as set forth in the above. Temporary storage of solid waste will be kept screened from view within the proposed storage area.

3. Utility lines (Section 108-282):

The department has not received comments from Keys Energy regarding the development for this property. Existing electric lines will be used.

4. Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):

All commercial activities will take place within the enclosed building. No new outdoor storage or display has been applied for or approved.

5. Exterior Lighting (Section 108-284):

Exterior lighting will be attached to the building. No large open areas are proposed. Lighting will meet dark sky initiative requirements.

6. Signs (Section 108-285):

No signage has been proposed as part of the Minor Development Plan. Any new signage requires a Certificate of Appropriateness from HARC.

7. Pedestrian sidewalks (Section 108-286):

No sidewalks are proposed; however, Lazy Way presently links the site to the City's pedestrian circulation system.

8. Loading docks (Section 108-287):

No loading docks are proposed as part of the Minor Development Plan.

9. Storage Areas (Section 108-288):

The downstairs enclosure is considered an exterior storage area. The project has been approved by HARC and meets the requirements as set forth in the above Section.

On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):

The site development is minimal within the Bight District property and will not affect nor improve the vehicular and bicycle circulation on site. The project is located within the Historic Commercial Pedestrian Oriented Area and no new floor area is proposed; therefore, no additional parking is required as described above. Parking provided in the neighboring Caroline Street lot is adequate for the on-going use.

Housing (Section 108-245):

No housing is proposed as part of the Minor Development Plan.

Economic Resources (Section 108-246):

This provision of the City Code is not applicable to the proposed Minor Development Plan.

Special Conditions (Section 108-247):

The proposed development site is located within the greater Bight District City owned property which is currently non-conforming to impervious surface and open space. The proposed development does not generally conflict with the intent of the HRCC-1 district nor the adjacent the HRCC-2 zoning district uses, and is not anticipated to cause any conflict in relation to existing public facilities that are in place. The project is not located in a special zoning district and does not trigger any of the special considerations outlined in Section 108-247 of the City Code.

According to documents provided by the applicant, the second story of the proposed structure is exempt from Federal ADA requirements. The applicant has provided information regarding federal standards for ADA compliance that have been reviewed by the City's ADA Coordinator. Please see the information provided under the DRC Review Attachments.

Construction Management Plan and Inspection Schedule (Section 108-248):

The proposed development is not phased. The applicant would like to commence construction as soon as possible.

Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:

Because this project is part of a larger overall site the screening, buffer, and landscaping requirements are related to the entire Bight. The proposed plan increases landscaping behind the structure and increases dry retention to the maximum extent practicable. There is minimal open space available on the site and surrounding lands to add landscaping. Because the majority of the property and adjacent areas are paved, the Urban Forestry Manager has requested that the applicant coordinate with the proposed Bight Master Plan currently being designed, see attached. Although coordination has begun, unfortunately this portion of the Plan has not been designed to date.

Off-street Parking and Loading (Article VII) of Chapter 108:

Although the proposed Minor Development Plan is located within the City's Historic Commercial Pedestrian-Oriented Area. The property is part of the greater Bight District and portions of the parking lot adjacent to the site are utilized to meet the current parking requirements. Loading is not anticipated regularly for the office use and a loading zone is located in the waste handling and recycling center area for the uses within the Bight together with loading at the foot of William Street.

Stormwater and Surface Water Management (Article VIII):

Currently the site does not include stormwater management. The site lies in the VE flood zone and is susceptible to flooding. As part of the new site design, the applicant has proposed to gutter the structure with down spouts directed to discharge into dry and wet retention areas along the rear of the structure with splash blocks to prevent erosion (see attached). The plan requires changes by the General Services and Engineering Department as required in the attached letter.

Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):

According to the available information submitted by the applicant, the proposed development is located in the VE flood zone. FEMA regulations require that structures redeveloping more than 50% of the appraised value of the property meet flood prevention requirements. As a condition of approval, prior to building permit issuance an Elevation Certificate is required. Please see the attached memo from the City's FEMA Coordinator and DRC Minutes.

Utilities (Article IX):

The Department did not receive a response from FKAA and Keys Energy Services relative to the proposal. The proposed development project will use existing utility mains and add new utilities as shown in the concurrency management report and utility plan.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for Minor Development Plan be **approved** with the following conditions:

Conditions to be completed prior to the issuance of building permits:

1. A signed and sealed elevation certificate is presented to the planning and building department.
2. The building is constructed according to ADA exempted Building Plans.
3. A modified stormwater drainage plan in accordance with the attached letter from Engineering Services is provided.

Conditions to be completed prior to the issuance of certificate of occupancy:

4. All lighting fixtures shall meet "Dark Sky" lighting standards.

General Conditions:

5. No part of the new structure, including the storage space beneath the building, nor the roof of the remodeled adjacent structure may be used for consumption area, nor food preparation area.
6. That the variance for the Coastal Construction Control Line setback is granted by the Planning Board.