

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



**To:** Chair and Planning Board members

**From:** Melissa Paul-Leto, Planner I

**Through:** Katie Pearl Halloran, Planning Director

**Meeting Date:** April 22, 2021

**Agenda Item:** **Major Development Plan, Conditional Use & Landscape Waivers – 1319 William Street & 1316 Royal Street Units # 1-6 (RE #00036920-000000)** – A request for Major Development Plan, landscape waiver, and affordable workforce housing requirement linkage approvals to construct and redevelop eight (8) residential dwelling units located within the Historic Medium Density (HMDR) zoning district pursuant to Sections 108-91.A.2 (a), Section 108-715, and Section 122-1467(1)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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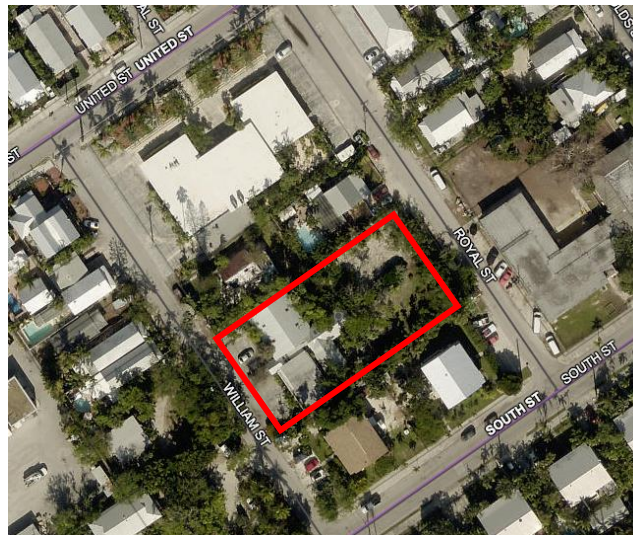
**Request:** Major Development Plan, and Landscape Waiver approvals to construct and redevelop eight (8) non transient residential units.

**Applicant:** Trepanier & Associates, Inc.

**Property Owner:** Royal Williams, LLC

**Location:** 1319 William Street & 1316 Royal Street Units # 1-6 (RE #00036920-000000)

**Zoning:** Historic Medium Density (HMDR) Zoning District



**Background:**

The subject property at 1319 William Street & 1316 Royal Street Units # 1-6 are located within the Historic Medium Density (HMDR) zoning district. The property is a platted lot identified as part of Lots 24, 25, 26, 27, 32 and 33 and all of Lots 28, 29, 30, and 31, in Square 4, tract 17, according to White's and Pierce's Diagram of said Square 4, Tract 17 as recorded in Deed Book "N", page 613, public records of Monroe County, Florida. The property is a double frontage lot, with 136' of frontage on William Street, and 136' of frontage on Royal Street.

The property was known as The Hospice and the Visiting Nurse Association of the Florida Keys since 1984 and closed their operations in February of 2018. The property received the following approvals for the palliative care facility:

- On November 4, 1987 the Board of Adjustment approved Resolution No. 87-325 for Special Exception allowing for a side setback on the north side of the lot to be 8 feet (versus 15 feet required), for a commercial greenhouse and nursery use.
- On May 6, 1992 the Board of Adjustment approved Resolution No. 92-186 for a Special Exception allowing the use of existing buildings as offices for The Hospice and the Visiting Nurse Association of the Florida Keys.
- On January 19, 1993 the City Commission approved Resolution No. 93-33 allowing waiving of the standard fees for a variance application.
- On February 3, 1993 the Board of Adjustment approved Resolution No. 93-58 allowing a variance of zero feet front setback (30 feet required) for construction of an open canopy structure of approximately 10' x 20'.
- On February 18, 1993 the City Commission approved Resolution No. 93-67 allowing all building permit fees to be waived.



*Green Keys Nursery - Property Appraisers Photograph, c.1965. Monroe County Public Library*



*The Hospice and the Visiting Nurse Association of the Florida Keys*

In 2018, Royal Williams, LLC purchased the property and is the current owner. Since then, the property has received the following allocations:

- On June 8, 2018 the property owner was granted six (6) Beneficial Use allocations.
- On April 22, 2019 the property owner was awarded two (2) BPAS market rate units to be included within the proposed Major Development Plan.

The property is currently licensed for two non-transient rental units with assigned addresses as 1319 William Street and 1317 William Street. These two units are part of the six Beneficial Use allocations granted to the property. The property owner converted the two existing buildings, from office spaces into residential space per building permit #2018- 00003541.



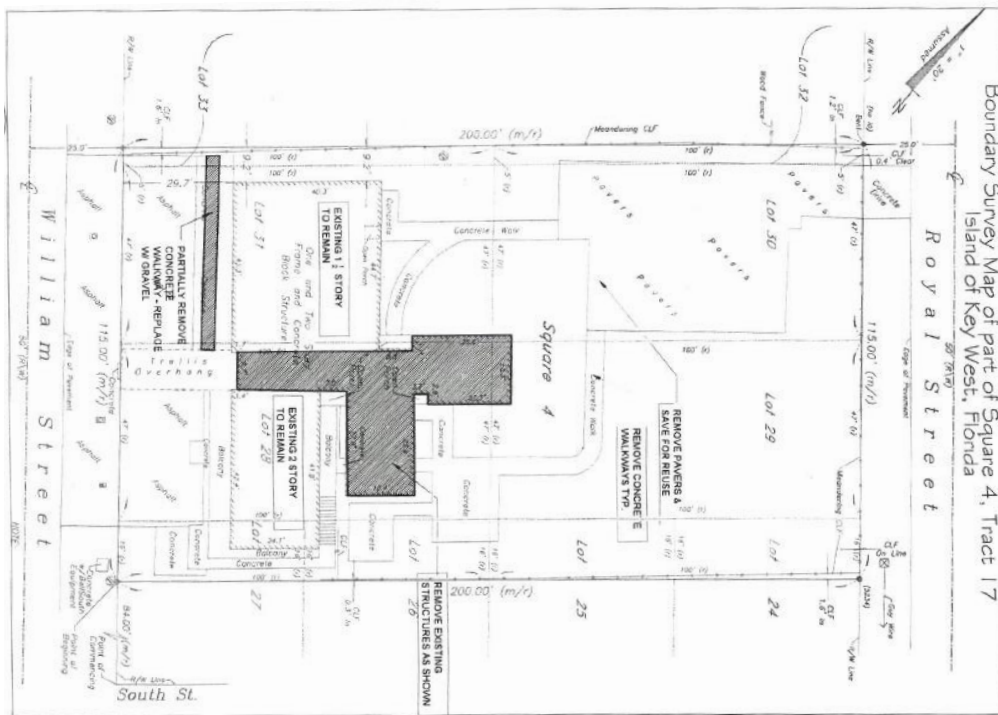
*Site Visit – 1319 William Street – March 4, 2021*



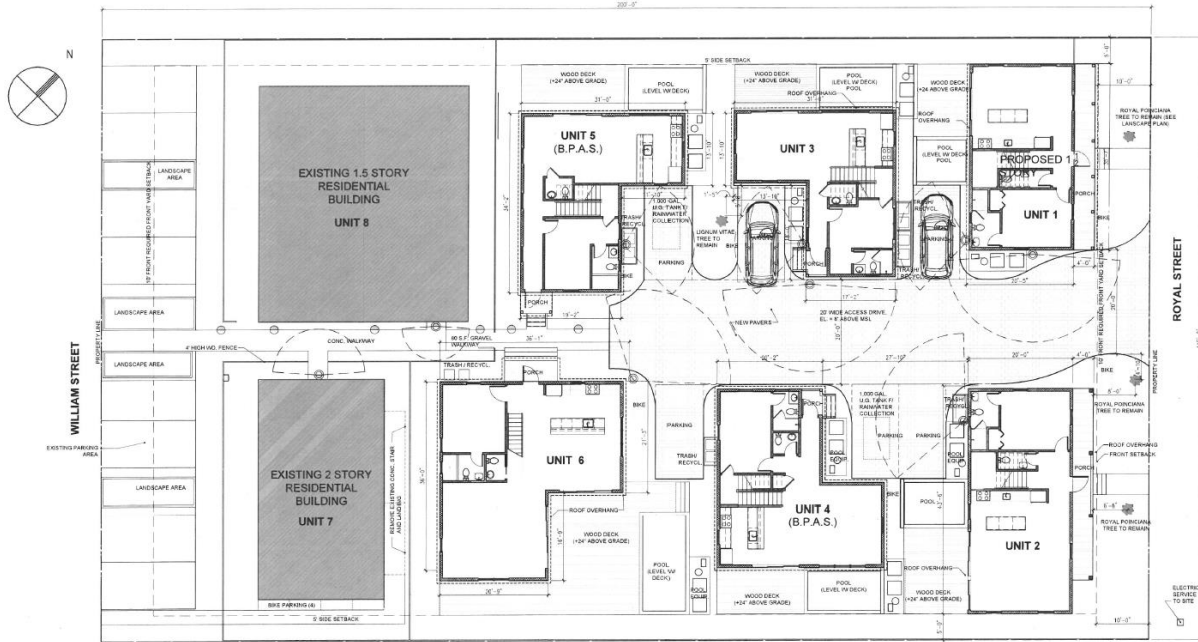
Site Visit – 1317 William Street – March 4, 2021

**Proposed Development:**

The applicant is proposing to demolish the remaining portion of the palliative center (structures proposed to be demolished are shaded in grey) and construct six (6) new single-family homes behind the two existing non-transient rental units facing William Street. The proposed design would have a total of 8 non-transient units.



Existing Site / Demo Plan



*Proposed Site Plan*

Per Section 122-1467 – Requirements of Affordable Workforce Housing states , “Residential or mixed use projects of less than ten residential or mixed use units shall be required to develop or redevelop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the City Commission.”

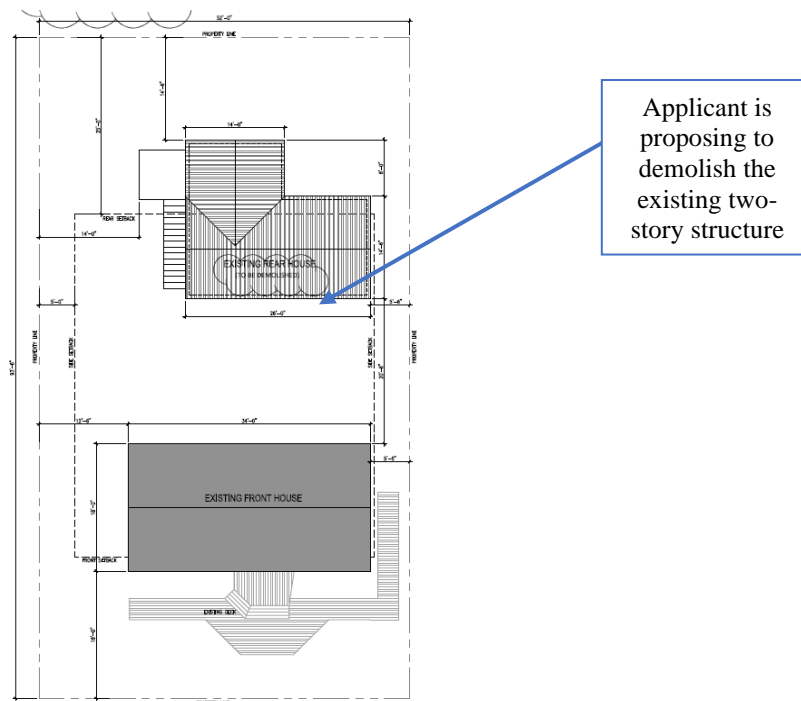
The applicant has chosen to provide the affordable housing requirements through the Linkage provision under Section 122-1467(1)(b). Section 122-1467(1)(b) states, “Two development or redevelopment projects may link to allow the affordable housing requirement of one development or redevelopment project to be built at the site of another project, so long as the affordable housing requirement of the latter development or redevelopment is fulfilled as well. Written proof of the project linkage shall be supplied by the developer to the city commission at the time of the first site plan approval. The project containing the affordable units must be built or rebuilt either before or simultaneously with the project without, or with fewer than, the required affordable units. In addition, if a developer builds or rebuilds more than the required number of affordable units at a development site, this development or redevelopment project may be linked with a subsequent development or redevelopment project to allow compliance with the subsequent development's affordable unit requirement. Written proof of the linkage must be supplied by the developer to the city commission at the time of the subsequent development's site plan approval. Linkage shall not be available if either development is entirely or in part to be constructed by public funds. Finally, all linkages under this subsection may occur within the city or on a site within the city and on a site on Stock Island in the unincorporated part of the county.”

The applicant is proposing to utilize 1703 Von Phister as the subject property for the required linkage provision. The proposed site plan indicates the existing two-story structure on the parcel would be demolished, a new two-story structure would be constructed. The new two-story duplex would consist of two affordable workforce housing units approximately 441 square feet each at 1703 Von

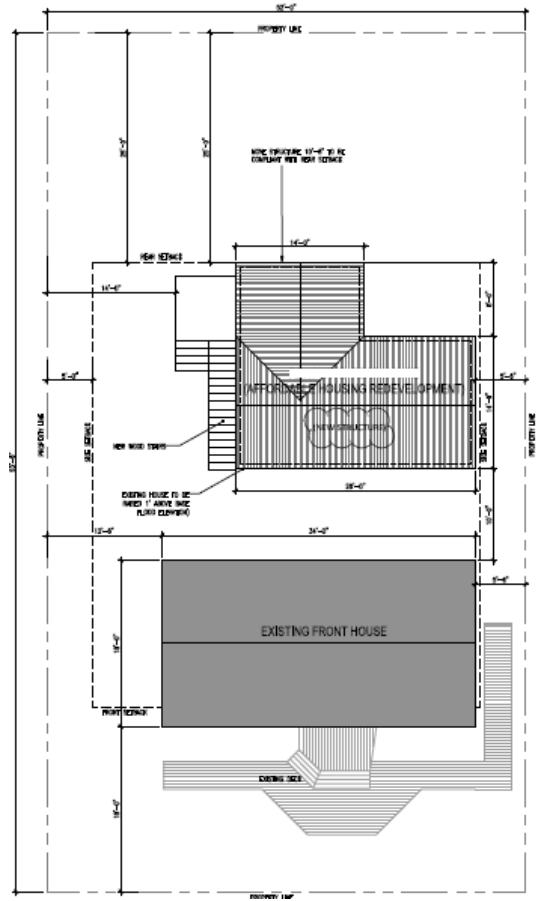
Phister. The property has a lot size of 4,908 square feet and received a Lawful Unit Determination on April 30, 2019 for one (1) owner unit and two (2) non-transient units. The lot includes two structures; one is owner occupied and is a one-story residence. The second structure is a two-story duplex consisting of the two non-transient units. The two-story duplex is the subject structure the applicant is proposing to convert into two affordable units through the recording of a deed restriction, approved by the City Attorney, and submitted into the Records of the Monroe County Clerk of the Court.



1703 Von Phister – Subject property for the proposed Linkage Provision – The two-story structure would be demolished, and a new two-story structure would be constructed.



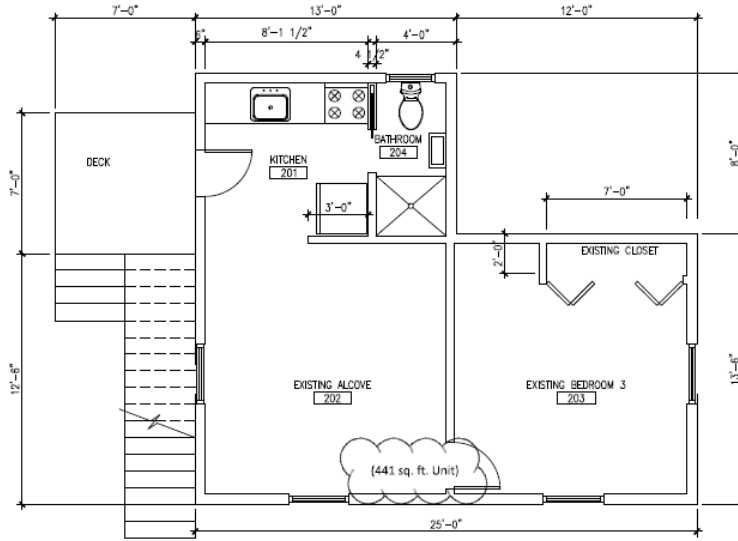
1703 Von Phister – Existing Site Plan – existing rear structure to be demolished



1703 Von Phister – Proposed Site Plan – Applicant is proposing to construct a new two-story structure to include two-affordable workforce housing units.

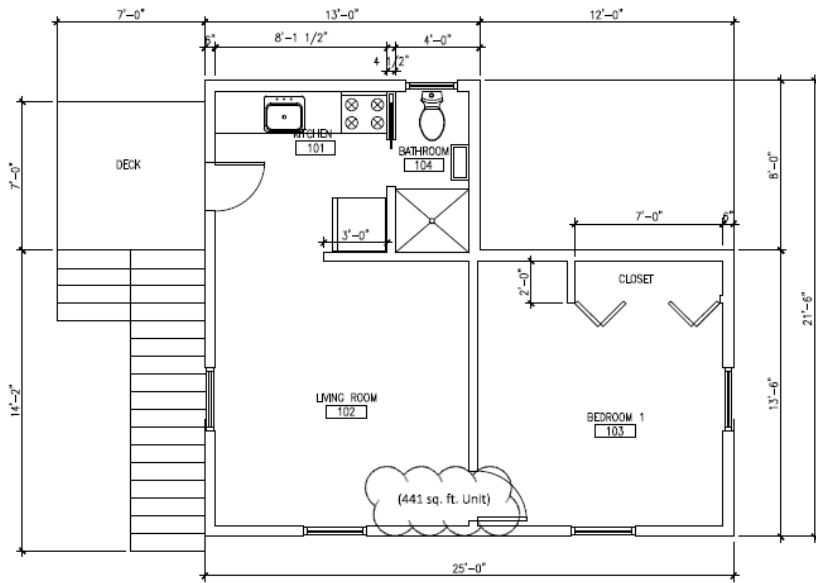


1703 Von Phister – Proposed Elevation



1
**FIRST FLOOR PLAN**  
A2.1
 SCALE: 1/4"=1'-0"

*1703 Von Phister – Proposed First Floor Plan*



2
**SECOND FLOOR PLAN**  
A2.1
 SCALE: 1/4"=1'-0"

*1703 Von Phister – Proposed Second Floor Plan*



To allow the proposed development, three development approvals would be necessary:

- Major Development Plan review is required due to the permanent residential construction of five or more units, pursuant to Section 108-91.A.2.(a) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).
- The applicant is also requesting waivers to landscaping requirements, pursuant to City Code Section 108-517.
- Review and approval of the linkage provision per Section 122-1467(1)(b).

**Surrounding Zoning and Uses:**

Surrounding properties are located within the Historic Medium Density Residential (HMDR), and Historic Residential/Office (HRO) zoning districts. Surrounding uses include residential, multi-family, a synagogue, and The Boys and Girls Club of America. Zoning districts within 300 feet of the property are HMDR, and HRO.

**Process**

Development Review Committee:	October 22, 2020
Preliminary Tree Commission:	January 11, 2021
Planning Board:	March 18, 2021
• Postponed by applicant to submit linkage provision plans for 1703 Von Phister	
Planning Board:	April 22, 2021
HARC:	TBD
Final Tree Commission:	TBD
City Commission/Board of Adjustment:	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. A.2.(a) requires permanent residential and transient residential development: addition or reconstruction of five or more units to 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. 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	HMDR			
Flood Zone	X			
Site Size	23,000 SF. 0.52 acres			
Maximum Height	30 feet	30 feet	28 feet	None
Maximum Building Coverage	40% 9,200 square feet	19% 4,431 square feet	35% 8,122 square feet	In compliance
Maximum Impervious Surface	60% 13,800 square feet	51.4% 11,825 square feet	60% 13,977 square feet	In compliance
Minimum Front Setback – William Street	10 feet	30 feet	30 feet	In compliance
Minimum Rear Setback – William Street	15 feet	N/A – Property has two front yards	N/A – Property has two front yards	In compliance
Minimum Front Setback – Royal Street	10 feet	94.7 feet	10 feet	In compliance
Minimum Side Setback – South	5 feet	7.8 feet	5 feet	In compliance
Minimum Side Setback – North	5 feet	9.2 feet	5 feet	In compliance
Minimum Rear Setback – Royal Street	15 feet	N/A – Property has no rear yard	N/A – Property has no rear yard	In compliance
Minimum Off-Street Parking	1 space per unit = 8	11 off-street spaces	16 off-street spaces	In compliance
Minimum bicycle parking	10% of vehicular spaces = 2 bicycle spaces	0 bicycle spaces	8 bicycle spaces	In compliance
Minimum open space	35% 4,899 square feet	45.6% 10,494 square feet	44.7% 10,302 square feet	In compliance

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis	Waivers requested

**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 Major 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 potable water LOS standard for residential uses is 93 gallons per capita per day, pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita residential:  $93 \text{ gal/capita/day} \times 2.63 \text{ persons (for 8 units)} = 244.59 \text{ gal/day}$

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), which has been notified of the upcoming development and has available capacity to service the proposed development.

**2. Wastewater management**

The sanitary sewer LOS standard for residential uses is 100 gallons per capita per day, pursuant to City Code Section 94-67. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on per capita residential:  $100 \text{ gal/capita/day} \times 2.63 \text{ persons (for 8 units)} = 263 \text{ gal/day}$

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

**3. Water quality**

The property is not adjacent to any bodies of water. No adverse impacts to water quality are anticipated.

**4. Stormwater management / drainage**

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

A drainage plan was submitted. Stormwater will be retained through a series of swales on the property as well as utilizing a proposed on-site rainwater catchment system. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

#### **5. Solid waste**

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate 21 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

$$\text{Proposed development: } 2.66 \text{ lb./capita/day} \times 2.63 \text{ persons (for 8 units)} = 6.99 \text{ lbs./day}$$

The adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

The property is currently serviced by Waste Management. The trash and recycling areas are provided on the site plan. The adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

#### **6. Roadways**

The roadway LOS standard is set forth in City Code Section 94-72. The proposed plan contains all required off-street parking. Vehicle parking is accessed from both William Street and Royal Street.

#### **7. Recreation**

The plans do not show onsite recreation as defined in Section 86-9 of the LDRs.

#### **8. Fire Protection**

A life safety plan was submitted. Per Fire: The property shall maintain the 20-foot driveway for emergency response. The owner is currently working on a fire sprinkler solution (yard hydrants) signed and sealed plans that will need to be accepted by the Fire Marshal's office before issuance of a permit.

#### **9. Reclaimed water system**

A rainwater catchment system is proposed on site.

#### **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 located within the historic district and the existing structures are non-contributing. However, the property is required to obtain approval for the proposed demolition and obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC) for the proposed design prior to issuance of building permits.

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

Based on the revised trip generation submitted on March 10, 2021, the City Engineer has reviewed and agrees with the changes to the trip generation table (Section 2-1.1.1) Traffic impacts would appear to be light for the proposed residential use.

**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 submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* The property is bounded by South Street to the east, United Street to the west, Royal Street to the north and William Street to the south.
- (c) *Land use compatibility.* Uses within 300 feet include residential, multi-family, office, a synagogue and The Boys and Girls Club of America. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* The project's impact on archaeological and historic resources had been coordinated through the DRC and would be reviewed by HARC through a Certificate of Appropriateness.
- (e) *Subdivision of land.* No subdivision of land is proposed.

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

The applicant submitted a 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.

**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 common area walkways, new driveway, curb ramps, and public art.

**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)**

No soil survey was provided.

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

No environmentally sensitive areas are located on or near the property, which is located within the X flood zone.

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

- (a) *Land clearing, excavation, and fill.* The proposed development would involve these activities. Native trees are being preserved or relocated to the maximum extent possible.
- (b) *Tree protection.* An extensive arborist assessment was submitted of all existing trees on the property. The City’s Urban Forestry Manager and the Tree Commission have reviewed and approved the proposed tree removal plan at their January 11<sup>th</sup>, 2021 Tree Commission meeting.  
*Landscaping plan.* The submitted plan indicates landscaping incorporated throughout the property. Per Section 108-413, Landscape Requirement Along Street Frontages, the proposed plan meets the requirements for plant units. However, a waiver has been requested to reduce the width of the required landscape area from the required 20 feet for both Royal and William Street frontages. Per Section 108-450, Landscape Screening: The large parking area off William Street is an existing parking area that abuts a landscape bufferyard area adjacent to two existing structures. A waiver is being requested for the requirement of perimeter screening along the entire parking area. The applicant is proposing to lessen the intensity of the parking area by proposing modifications to include landscape islands.
- (c) *Landscaped open space* would decrease slightly above the existing amount. However, full compliance with all landscape buffer requirements of the LDRs is not possible due to the proposed design. Waivers are requested as part of this application. No environmentally sensitive areas exist.
- (d) *Irrigation plan.* A drainage plan was submitted. Stormwater will be retained on-site through swales and a rainwater catchment system.

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

The existing and proposed driveways are depicted on the proposed site plan. Vehicular off-street parking access is available from both William Street and Royal Street. The proposed design is providing six vehicular off-street parking spaces accessed through Royal Street and ten vehicular off-street parking spaces accessed from William Street. The required off-street parking for the proposed design is eight spaces. No change in bicycle and pedestrian ways and uses are anticipated as part of this project.

**Housing (City Code Section 108-245)**

The proposed design includes eight market-rate residential units in total.

**Economic resources (City Code Section 108-246)**

The applicant has contacted the Monroe County Property Appraiser’s office to seek assistance in estimating the average ad valorem tax yield from the proposed project.

**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 located within the historic district and the X flood zone.
- (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 are proposed to accommodate bus ridership.

- (f) Passive recreation space is not proposed.
- (g) Coordination with applicable agencies has been facilitated through the DRC.
- (h) No wetlands or submerged land would be impacted.

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

The construction is proposed in three (3) phases:

1. Phase 1: Construction of Units E & F
2. Phase 2: Construction of Units C & D
3. Phase 3: Construction of Units A & B

**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 development involves demolishing the remaining Hospice storage structures, pergola, and concrete wall to construct six (6) non-transient residential dwellings. The proposed uses are permitted within the HMDR zoning district.

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

The project involves two (2) two-story market rate units and new construction of a six (6) 1 ½ story single family homes. All work would follow the City's historic architectural guidelines.

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

All mechanical equipment and utility hardware would be appropriately screened. All waste storage areas will be screened from adjacent properties as required by Code.

**Front-end loaded refuse container location requirements (City Code Section 108-280)**

Not Applicable – There is no front-end loaded refuse container proposed.

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

Not Applicable – There is no roll-off containers proposed as part of the operation of the development. Waste and recycling disposal locations are depicted on the site plan.

**Utility lines (City Code Section 108-282)**

All new utility lines would be placed underground. Installation will be coordinated with the appropriate utility agency and in accordance with Section 108-282.

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

None proposed.

**Exterior lighting (City Code Section 108-284)**

All proposed lighting shall be shielded, and lighting sources shall be arranged to eliminate glare from the roadways and streets. The applicant is proposing lighting elements such as directional fixtures or opaque shades.

**Signs (City Code Section 108-285)**

The plans do not indicate any signs. A building permit and a certificate of appropriateness would be required for the installation of any signs, which must comply with City Code Chapter 114 and the Historic Architectural Guidelines.

**Pedestrian sidewalks (City Code Section 108-286)**

No new sidewalks are proposed.

**Loading docks (City Code Section 108-287)**

None proposed.

**Storage areas (City Code Section 108-288)**

No exterior storage areas are proposed.

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

There is no land clearing proposed. Tree removal will be reviewed and approved by the Urban Forester and the Tree Commission.

**Landscaping (Code Chapter 108, Article VI)**

A landscape plan is required as part of a development plan review, pursuant to City Code Section 108-411. The applicant is requesting waivers, pursuant to City Code 108-517, as outlined below:

1. Section 108-347:

(a) The property owner has stated that he will be responsible for the maintenance of the landscaping and the HOA will have the right to step in if the property is not maintained.

(b) Buffer yards: The property is considered a single-family development.

A. Southeast Side Buffer Yard: This area is adjacent to multifamily properties therefore this is a “B” buffer yard which requires 40 plant units per 100 linear feet. This buffer yard landscape area is proposed to be 5 feet wide therefore a total of 71 plant units for the 178 linear feet of property line area is required (does not include the 22 feet of property required for street buffer for William and Royal Street areas).

A total of 201 plant units (existing and new plants) are proposed for this area therefore, the plant unit count complies with this section of code.

20 points	Existing canopy trees* (1-Gumbo Limbo #141 and 1-Royal Poinciana #139)
95 points	Ornamental/Sun canopy trees and palms (1-new Geiger, 1-existing Jamaican Caper #11, 1-transplanted Thatch Palm #181, and 16-new Simpson Stoppers)
86 points	Shrubs (48-Cocoplum and 38-Coontie)

\*Existing trees shown on plans as being mostly on neighboring property or very close to the property line were not included in the counts.

B. Northwest Side Planting: This area is adjacent to a single-family zoning area. This buffer yard does not require the planting of any plant units. However, the proposed design includes at least two single-family structures with their “backyard” areas including pools and decks immediately adjoining the property lines. Therefore, as per this Section of Code and Sec. 108-351, due to the increase in potential noise and light issues, buffer plantings are required. Since three pool/deck areas are within this review, a



multifamily buffer “B” buffer yard is being required which requires 45 plant units per 100 linear feet. This buffer yard landscape area is proposed to be 5 feet wide therefore a total of 71 plant units for the 178 linear feet of property line area is required (does not include the 22 feet of property required for street buffer for William and Royal Street areas).

A total of 209 plant units (existing and new plants) are proposed for this area.

50 points	Existing canopy trees (3-Pink Tabebuia Trees #58, #62, # 67 and 1-Gumbo Limbo #86) and 1-Orange Geiger.
140 points	Ornamental / subcanopy trees and palms (2-existing palms #61 & #63, 1-existing Jamaican Caper #87, 1-existing Satinleaf #85, 23-Spanish Stoppers, and 1-new Simpson Stopper)
19 points	Shrubs (19-Coontie)

The plant unit count complies with this Section of Code. The landscape plan for this area also includes a line of Spanish Stopper shrubby trees, 6 feet tall, to provide for light and noise buffers along with several canopy trees.

2. Section 108-348 allows for credit of existing plant material. The Tree Commission reviews and approves the removal and transplanting of any regulated trees and palms from properties. At the January 11, 2021 Tree Commission meeting the applicant requested and received approval for the removal of 42 regulated trees and 7 regulated palms that require the planting of 248.3 caliper inches of approved dicot trees and 7 approved palms, a minimum of 4 feet tall each palm, planted on site.

The Tree Commission also discussed the landscape plans and waiver request and asked that canopy trees be planted along William Street in the buffer area and requested more species diversity. The Tree Commission did not have a concern regarding the waiver request to reduce the width of the street buffers.

The updated landscape plan dated February 1, 2021 includes the preservation of an additional Gumbo Limbo tree in the Royal Street buffer area and trees along the eastern property line. The updated development plan will remove the following regulated trees: 8-Clusia, small Leaf (#104, #105, #106, #107, #109, #136, #138, and #143), 3-Coco Plum, Red (#122, #187, and #191), 1-Fiddle Wood (#168), 1-Frangipani (#78), 5-Gumbo Limbo (#81, #112, #161, #175, and #177), 14-Jamaican Caper (#90, #92, #94, #95, #98, #99, #121, #123, #125, #126, #132, #134, #160, and #186), 1-Mahogany (#172), 1-Raintree (#163), 2-Satin Leaf (#82 and #88), 2-Silver Buttonwood (#188 and #192), 1-Sweet Acacia (#68), 1-White Stopper (#184), and 3-Christmas Palms (#70, #72, and #77), 1-Fiji Fan Palm (#111), 1-Royal Palm (#190), and 2-Washingtonia Palms (#73 and #159). The following palms will be transplanted on site; 2-Christmas Palms (#14 and #15), 7-Thatch Palms, Florida (#91, #93, #164, #165, #166, #167, and #181), and 3-Thatch Palms, Keys (#154, #155, and #156)

Regulated trees and palms to remain onsite/in place include the following; 6-Gumbo Limbo (#3, #80, #86, #101, #124 and #141), 3-Jamaican Caper (#11, #135, and #87), 1-Lignum Vitae (#182), 3-Royal Poinciana (#89, #102, and #108), 1-Strangler Fig (#12), 1-Satinleaf (#85), and 4-Christmas Palms (#61, #63, #71, and #140) and 1-Coconut Palm (#84).

The submitted landscape plan proposes to plant 7-Gumbo Limbo trees, each 4-caliper inches (total 112 inches credit), 6-Paradise trees each at 2 caliper inches (total 12 inches credit), 6-Geiger trees each at 2.5 caliper inches (total 15 inches credit), 3-Satinleaf trees at 2 caliper inches (total 12 inches credit), 42-

Simpsons Stoppers at 2.5 caliper inches (total of 210 inches credit), and 23-Spanish Stoppers at 1.5 caliper inches (total of 34,5 inches credit) for a total of 395.5 caliper inches and 6-Sabel Palms (18 to 22 feet tall). Therefore, the proposed landscape plan does meet the requirement of the potential tree removal permit.

3. Section 108-412, minimum Landscape Requirements: This section of the Code requires that at least 20% of the site is landscaped (trees, shrubs, and groundcover). The project is planning 32% landscaped area.

The project proposes 100% native vegetation. The property owner has stated that he will be responsible for the maintenance of the landscaping but the HOA will have the right to step in if it is not maintained. A condition should be included with the development plan that reiterates that requirement of landscape maintenance in the short term for survivability and in perpetuity as per the City Code (Sec. 108-412 and 108-482).

4. Section 108-413, Landscape Requirement Along Street Frontages; The property is 0.52 acres (200 feet x 115 feet) and this section of the Code requires 80 plant units per 100 linear feet in a 20 feet wide landscape area. Grass and /or groundcover is required. Plans indicate that the Royal Street and William Street property line areas would be street frontage. These areas are 115 linear feet therefore, 92 plant units are required for each area.

A. Royal Street: The submitted landscape plan proposes to create a 10-foot-wide landscape area with a total of 164 plant units\* (existing and new plants) proposed for this area:

- 40 points Existing canopy trees (3-Royal Poincianas #89, #102, #108 and 1-Gumbo Limbo #101)
- 15 points Ornamental / Subcanopy trees and palms (3-existing palms being transplanted into this area #156, #113, #116, 1-new Geiger, and 1-new Simpsons Stopper tree)
- 109 points Shrubs (32-Wild Coffee, 63-Cocplum, 3-Spartina plants, and 11-Coontie plants)

\*Please note that 174 total plant units of Coontie, a groundcover/shrubby type plant species, are proposed to also be planted in this area with some being planted on the City right-of-way. These plant units were not counted toward the total unit count.

The proposed plan meets the requirements for plant units.

**A waiver has been requested to reduce the width of the required landscape area from 20 feet to 10 feet.**

B. William Street: The submitted landscape plan shows improvements to this area that is currently an existing head in parking area with a sidewalk and a small existing planted area with shrub type plants (native and nonnative).

A portion of this area contains the second-floor overhang from the existing building. The plan proposes some new ground cover / shrubs remaining including Plumbago, Arbicola, Dracaena, Yucca, Green Island Ficus, Ponytail Palms, and Christmas Palms. A total of 185 existing and new plant units are proposed for this area.

- 30 points Existing canopy trees (3-Pink Tabebula trees #55, #56, #57)

5 points	Ornamental / Subcanopy trees and palms (2-existing palms, #18, #41)
150 points	Shrubs (9-existing shrubs, #16, #17, #19, #20, #37, #38, #40, #44, #45, 21-new Corgass, and 120-new Coontie plants)

**The applicant has submitted a waiver request for this Section of the Code regarding the required width of the planting area. The existing area to be enhanced is less than the required 20 feet width.**

It should be noted that this area is immediately adjacent to an existing parking lot. Plans indicate improvements to the parking area to include the creation of four new vegetative islands.

5. Section 108-414, Interior Parking Areas: Review not required – single family residential parking.

6. Section 108-415, Perimeter Parking Areas: The William Street perimeter area is an existing head in parking area off the street that will be redeveloped to create 8 vehicle parking areas for the residences. Therefore, this project is not required to follow the standard perimeter landscaping width requirements for this Section of the Code.

There are existing trees along the property lines with the adjacent properties that are to remain. Four new vegetative island areas are proposed to be created in the existing parking area. Part B of the Code Section states that 1 tree and 10 shrubs are supposed to be planted for every 35 linear feet in perimeter parking areas. Two new Gumbo Limbo and 2-new Paradise trees with Coontie shrub plants and Golden Creeper groundcover are proposed to be planted and 4-Thatch Palms (#164, #167, #168, #166) are to be transplanted into this area.

7. Section 108-416, Interior Area Landscaping: This Section of the Code specifically looks at the planting of trees and requires that all areas not covered by buildings or hardscape will have grass, groundcover, shrubs, or other landscaping materials. The landscape plan does provide to place a mixture of grass, groundcover, mulch, and gravel.

Approximately 7,311 square feet of property or 32% of the site is not covered by buildings, etc. Therefore, the interior landscape area requires a total of 11.6 trees be planted. The plan proposes to plant 4-Gumbo Limbo trees, 4-Paradise trees, and 4-Geiger trees for a total of 8 trees. It should also be noted that one existing Lignum Vitae tree will be preserved and protected in the interior landscape area. The proposed plan complies with this Section of the Code.

8. Section 108-447, Protection of Landscaping: Representatives for the applicant have stated that wheel stops are noted on the civil plans for the William Street parking area and a tree protection plan has been submitted.

9. Section 108-448, Required coverage: The proposed landscape plan complies with this Section of the City code.

10. Section 108-450, Landscape Screening: The large parking area off William Street is an existing parking area that abuts a landscape bufferyard area adjacent to two existing structures.

**A waiver is being requested for the requirement of perimeter screening along the entire parking area.** The applicant is proposing to lessen the intensity of the parking area by proposing modifications to include landscape islands.

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 the

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 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 of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
- b. The unusual conditions involved are not the result

(6) *Technical impracticality.* Strict application of the requirement would be technically impractical.

Given the challenges and trade-offs of fully complying with all 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)**

All required parking is provided on-site as shown on the attached plans.

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

A drainage plan was submitted. The utilities department has reviewed the plans for compliance. Stormwater would be retained on-site through swales and a rainwater catchment system.

**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)**

The proposed development, being a Major Development Plan, qualifies for the City's Art in Public Places (AIPP) program, pursuant to City Code Section 2-487. The AIPP program requires 1% of construction costs to be set-aside for the acquisition, commission, and installation of artwork on the subject property. The program applies to new construction projects exceeding \$500,000 and renovation projects exceeding \$100,000. Eligible construction costs have not been determined based on hard and soft costs.

**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 Major Development Plan, Conditional Use and Landscape Waivers be **approved** with the following conditions:

**General conditions:**

1. The proposed construction at 1319 William Street and 1316 Royal Street shall be consistent with the site plan signed, sealed, and dated September 10, 2020 by William Byron Shepler, R.A.
2. Per Fire: Shall maintain the 20-foot driveway for emergency response. The owner is currently working on a fire sprinkler solution (yard hydrants) to be depicted on the signed and sealed plans that will need to be accepted by the Fire Marshal's office before issuance of a permit.
3. Per Urban Forester: Existing Page C-10 indicates the location of several swales to be constructed within the critical root zones of existing trees/ palms that are to remain. This page must be reconciled with the final landscape plan and the swales relocated so as not to impact the root areas of those existing trees and palms to remain onsite.
4. 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.
5. Per Sections 108-412 and 108-482, the development plan shall require landscape maintenance in the short term for survivability and in perpetuity. The property owner shall be responsible for the maintenance of the landscaping but the HOA will have the right to step in if it is not maintained.
6. The proposed construction at 1703 von Phister Street to satisfy the affordable housing linkage provision in Section 122-1467(1)(b), of the new two-story structure that will consist of two affordable deed restricted units shall be consistent with the site plan signed, sealed, and dated April 1, 2021 by William Byron Shepler, R.A.

**Conditions prior to the City Commission hearing:**

7. The applicant shall obtain final landscape plan approval from the Tree Commission.
8. The Landscape & Irrigation Plans shall be signed, sealed, and dated prior to City Commission.
9. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

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

10. 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.
11. Prior to issuance of building permits the property owner shall record a deed restriction for the two-market rate units located within the two-story duplex at 1703 Von Phister property, approved by the City Attorney, and submitted into the Records of the Monroe County Clerk of the Court.

**Conditions prior to issuance of a Certificate of Occupancy:**

12. Prior to issuance of a Certificate of Occupancy for the Major Development Plan at 1319 William Street and 1316 Royal Street, the applicant shall complete all permitting, construction, inspections and receive a Certificate of occupancy for the linked project at 1703 Von Phister Street.
13. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.