

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



To: Chairman and Planning Board Members

Through: Kathryn Lyon, Planning Consultant

From: Katie P. Halloran, Planning Director

Meeting Date: March 17, 2022

Application: **Variance - 5537 College Road (RE# 00072080-000101)** – A request for variances to conditional use emergency shelter standards for property located in the Public and Semipublic Services Zoning District (PS) pursuant to Sections 90-395 and 122-1018(1) of the Land Development Regulations of the City of Key West, Florida.

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Request: The applicant, City of Key West, is requesting variances from the conditional use emergency shelter standards for the proposed construction of a new 20,948 square foot overnight shelter for persons experiencing homeless.

Applicant: William P. Horn, Architect/ Representative

Property Owner: Monroe County/City of Key West

Location: 5537 College Road- (RE# 00072080-000101)

Zoning: Public and Semipublic Services (PS) Zoning District



Background:

The subject parcel is an area leased by the City of Key West within a 13.94 acre property located at 5537 College Road, owned by Monroe County. The 100-year leased area currently consists of the existing Keys Overnight Temporary Shelter structures which have surpassed their effective life span. The subject property at 5537 College Road is located on Stock Island behind the Monroe County Sheriff's Office and is within the Public and Semi-Public (PS) Zoning District and is one lot of record.

In 2019 Key West officials approved an agreement to allow the Keys Overnight Temporary Shelter (KOTS) to remain on the Monroe County Sheriff's property in exchange for land along Trumbo Road to build workforce housing.

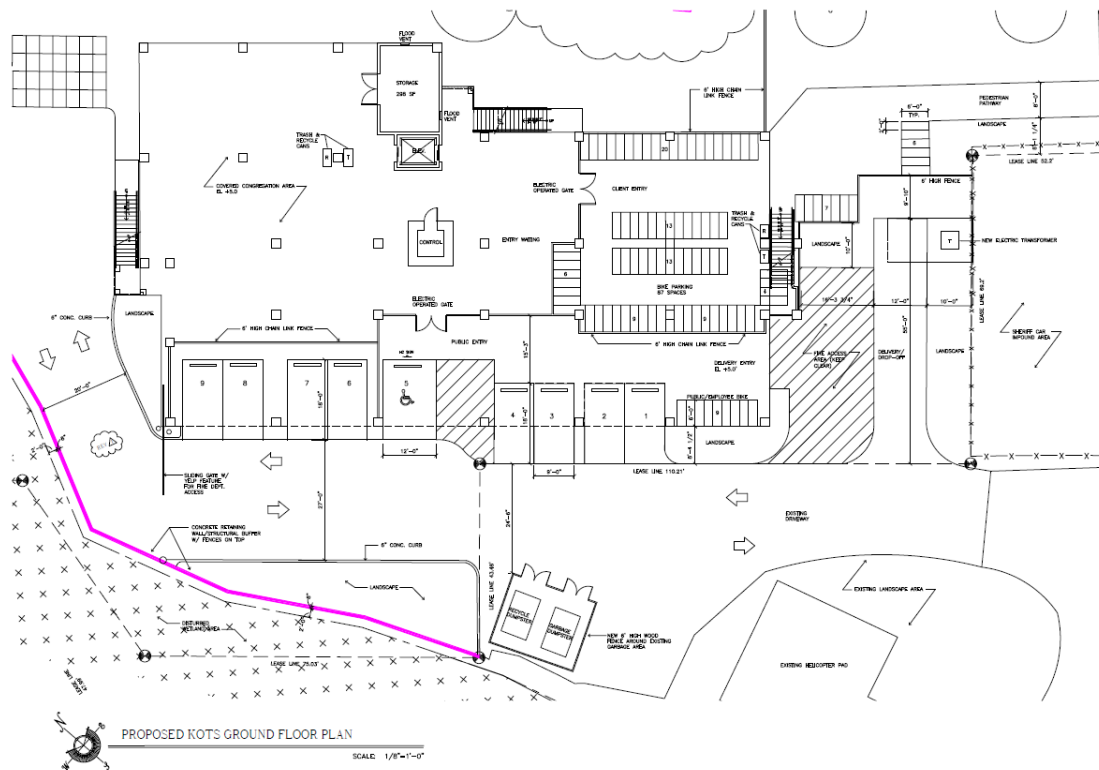
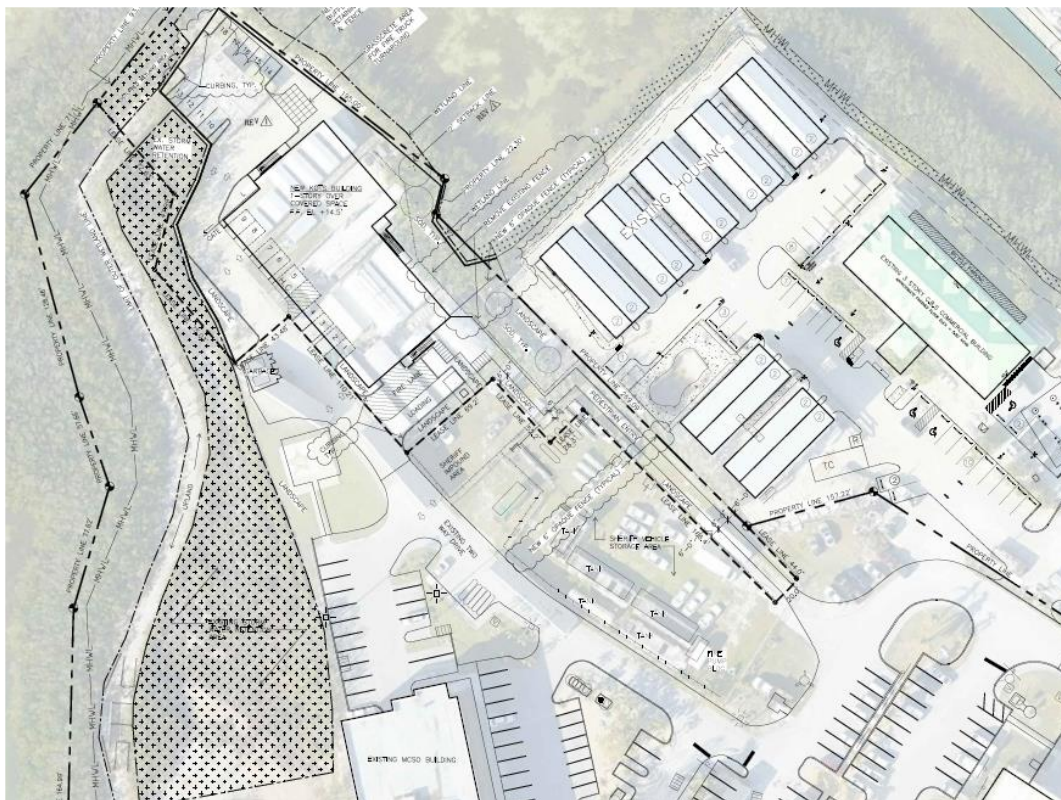


The applicant, the City of Key West, has proposed to demolish the existing temporary structures and build an approximately 20,984 square foot structure to house maximum of 148 individuals for overnight shelter and other homelessness reduction programs and activities. The property and homeless shelter is proposed to remain open during the day and provide services to the clients 24/7. The project is proposed to be developed in one (1) phase.

In order to allow the proposed development, several development approvals would be necessary.

- Major Development Plan review is required due to the reconstruction of more than 5,000 square feet of gross floor area, pursuant to Section 108-91.B.2.(b) of the Land Development Regulations (LDRs) of the Code of Ordinances (the "Code") of the City of Key West (the "City").
- Conditional use review is required for emergency shelters for the homeless, and shelters for temporarily housing the homeless in the PS Zoning District, pursuant to City Code Section 122-1018.

The applicant is also requesting a variance from some of the conditional use emergency shelter standards as provided in Section 122-1018.



Proposed Site Plans, submitted by applicant.

The site table below details the current and proposed site data for the property.

Dimensional Requirements	Required/Allowed	Proposed	Variance Needed
Height	25 feet*	26.3 feet*	None
Minimum Front Setback	20 feet	NA	None
Minimum Side Setback	15 feet	25 feet	None
Minimum Rear Setback	25 feet	25 feet	None
FAR	.8	.7	None
Lot Coverage	40%	25.4%	None
Impervious Surface	50%	44.58%	None
Open Space	50%	55.42%	None
Parking	NA	18 vehicle spaces	None
Bicycle Parking	NA	105 bicycle/scooter spaces	None
Landscaping	20%	35%	None
Conditional Use Criteria			Bus parking area, fencing, and landscape buffer

**\*25 feet + 3.5 feet = 28.5 feet (Finished Floor is 3.5' above BFE+1 and is permitted as per City of Key West Code Section 122-1149(d) Flood Protection Building Height Exception.**

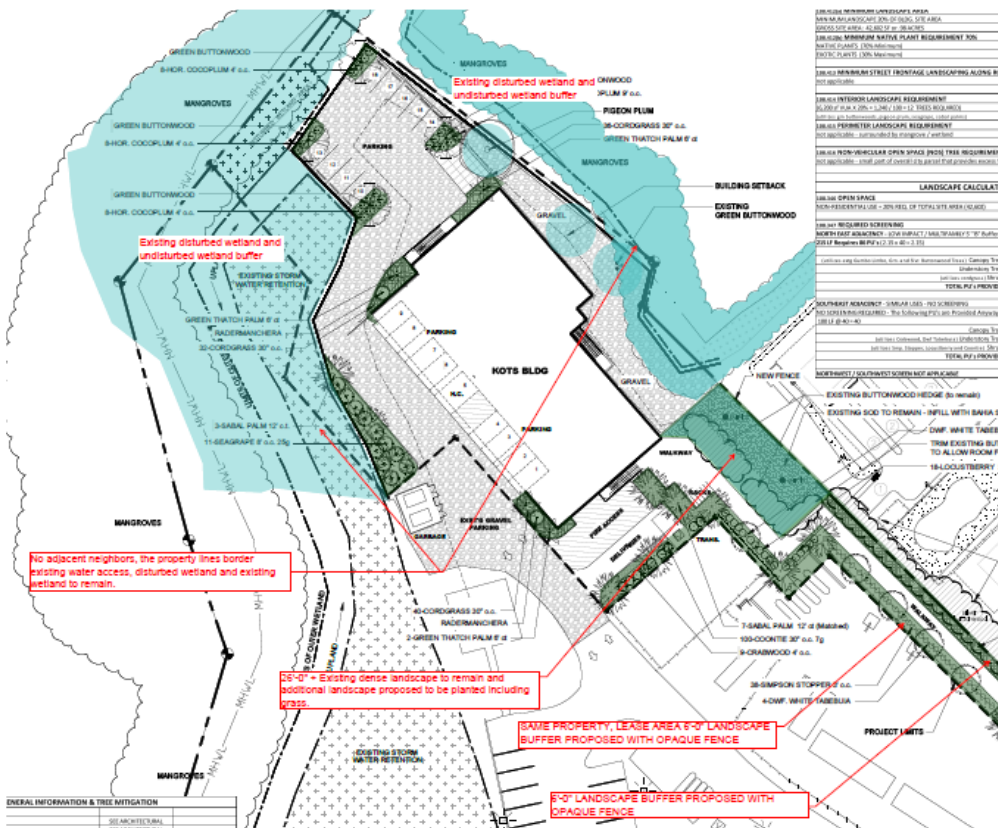
Process:

Development Review Committee:	December 16, 2021
Tree Commission Meeting:	February 7, 2022
Planning Board Meeting:	March 17, 2022
HARC Commission Meeting:	Not applicable
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days





KOTS facility shall utilize loading areas for Fire Department access and loading during evacuation procedures and direct KOTS clients to utilize bus stops along both sides of College Road.



**Sec. 122-1018. - Conditional uses.**

Conditional uses in the public and semipublic services district (PS) are as follows:

(1)Emergency shelters for the homeless, and shelters for temporarily housing the homeless which meet the following minimum standards for development review, site development and operation:

a.Fencing: An opaque fence 6 feet in height will surround the property adjacent to multifamily uses. At this time, a fence will be installed immediately around the building to keep clients from entering the surrounding wetland areas. Wetland areas will be protected from runoff by a South Florida Water Management District approved retaining wall and stormwater management system.

**PARTIALLY IN COMPLIANCE**

b.Landscape buffer: A minimum of a five-foot wide "D" buffer as specified in section 108-347(c)  
The site does not currently have a five-foot wide "D" buffer ("D" described in table below). The site will have a 2-foot-wide buffer with wetland retaining wall. The land dedicated by the interlocal agreement to construct the "new" KOTS abuts wetlands. To construct this project, the South Florida Water Management District recommended a retaining wall and a 2'-0" buffer to prevent adverse secondary impacts to the adjacent wetlands. No buffer currently exists.

Bufferyard & Landscape Screening Types Landscape Screening Type and Number of Plant Units <sup>(1)</sup> Required Per 100 Linear Feet of Bufferyard					
Bufferyard Widths (linear feet)	A	B	C	D	E
2.5—4.99	30	45	80	37 <sup>(2)</sup>	<sup>(4)</sup>
5.0—9.99	24	40	72	15 <sup>(2)</sup>	<sup>(4)</sup>
10.0—19.99	17	36	64	112	<sup>(4)</sup>
20.0—35.0			56	75	<sup>(4)</sup>
35+ <sup>(3)</sup>			42	64	<sup>(4)</sup>

(1)	A plant unit is a measurement describing the amount of required plant material in flexible units based on the stated unit values in subsection (d) of this section.	
(2)	An opaque fence or wall is required in addition to the specified landscape material.	
(3)	Where standard bufferyard requirements will not adequately protect public health, safety and welfare, the city may require the following options:	
	a.	Increase the dimensions of landscape buffer required;
	b.	Increase the density of landscaping material required; and/or
	c.	Require the use of a 100-percent opaque wall or fence.
(4)	Specific requirements to be determined by the city on a case by case basis.	
The city will evaluate the criteria in footnote (1) of the table in subsection (b) of this section in determining whether additional buffers are needed.		

c. Security lighting on the perimeter of the site and upon the interior of the fenced premises which shall be designed to "dark sky" lighting standards to protect adjacent residential uses.

**IN COMPLIANCE**

d. Onsite security personnel licensed by the State of Florida for such role and activity provided by the operator of the facility during the hours of operation inclusive of nighttime or any time when clients of the facility are present.

**IN COMPLIANCE**

e. An outdoor daytime congregation area inside the grounds of the site large enough to accommodate the maximum client population of the facility to prevent waiting and congregating off site.

**IN COMPLIANCE**

f. Onsite facilities:

i. Sleeping facilities for 100% of the maximum client population;

All beds provided (148).

ii. Dining facilities for at least 50% of the maximum client population;

1275 sf of congregate space.

iii. Shower and toilet facilities in a quantity necessary to serve the maximum client population;

Men- There are 116 beds, 8 showers, 5 urinals, 6 toilets, and 9 sinks.

Women- There are 32 beds, 3 showers, and 4 sinks.

iv. Intake and counseling offices;

Provided.

v. Storage for client personal effects, food, sleeping linens, miscellaneous support materials;

Provided.

vi. A loading zone and bus parking area.

Loading provided. No bus parking area.

No bus parking area provided. The land dedicated by the interlocal agreement to construct the "new" KOTS does not allow for the functional ability of busses to turn around. To construct this project, the applicant proposes no bus parking. No bus parking currently exists. Bus stops currently exist along adjacent College Road.

g. All shelters for the homeless or for temporary housing [of] the homeless shall undergo review as a major development plan and meet the requirements of section 108-92 et seq.

**IN COMPLIANCE**

#### **Staff Analysis – Variance Evaluation:**

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board must find all the following criteria in compliance before granting the variances:

***1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same zoning district.***

The applicant, the City of Key West, has proposed to demolish the existing temporary structures and build an approximately 20,984 square foot structure to house 148 individuals for overnight shelter and other homelessness reduction programs and activities. The project is proposed to be developed in one (1) phase. The size of the proposed structure and the amount of square footage reflect community needs. The proposed building will accommodate the

following on-site services: Temporary housing shelter, kitchen, assembly space, classrooms, and office uses. The current temporary shelter is currently limited in the services it can provide due to the condition and size of current facilities.

In 2019 the City and County entered into an interlocal agreement for a land swap as the mechanism to ensure the creation on 30 units of affordable housing at a location of city owned land on Trumbo Road for Sheriff's employees in exchange for building a new KOTS facility at 5537 College Road. Given that it is unlikely there is another property within the City's jurisdiction that could provide a site for this critically needed facility, there are special conditions and circumstances associated with this variance request.

IN COMPLIANCE

***2. Conditions not created by Applicant. That the special conditions are circumstances that do not result from the action or negligence of the Applicant.***

The proposal to rebuild the Keys Overnight Temporary Shelter is an action by the City of Key West, in coordination with and through the support of the City Commission, Monroe County, and many community leaders and residents. The KOTS is a critical project for the community to help reduce homelessness. Site selection occurred through a complex land swap and another suitable site for this facility is unlikely.

IN COMPLIANCE

***3. Special privileges not conferred. That granting the variance requested will not confer upon the Applicant any special privileges denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district.***

The property is currently non-complying with respect to some conditional use emergency shelter standards, however the site has been designed to achieve the site design characteristics required by Code. Busing needs have been considered and an emergency loading zone has been provided. The proposed reconstruction will meet dimensional standards for the zoning district. The current proposed site plan does not include any through vehicular traffic and the lease area does not provide enough space for bus parking.

IN COMPLIANCE

***4. Hardship conditions exist. That literal interpretation of the provision of the Land Development Regulations would deprive the Applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.***

It is unlikely there is another site in the City's jurisdiction to locate this critically needed community facility. The intent of the Applicant's site plan design is to provide emergency overnight shelter for men and women experiencing homelessness. Due to the location of the property adjacent to wetlands, and the configuration of the lease area there is limited space available to provide bus parking and D Buffer.

IN COMPLIANCE

***5. Only the minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.***



The variance request is not the minimum required that will make possible the reasonable use of the land, building, or structure. However, it is the minimum necessary to accommodate the request for these needed services and to replace dated shelters.

#### PARTIAL COMPLIANCE

***6. Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the Land Development Regulations and that such variance will not be injurious to the other area involved or otherwise detrimental to the public interest or welfare.***

The variance request is not in harmony with two provisions of Section 122-1018(1) of the Land Development Regulations. However, the intent of this project is to provide deeply needed services, including temporary housing, counseling, and meal services to those in need. The Department does not find the request to be injurious or otherwise detrimental to the public interest.

#### IN COMPLIANCE

***7. Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.***

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

#### IN COMPLIANCE

**The Planning Board shall make factual findings regarding the following:**

The standards established by Section 90-395 of the City Code have been fully met by the Applicant for the variances requested.

***That the Applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.***

The Planning Department has received no public comments since the date of this report.

#### **Recommendation:**

Based on the criteria established by the Land Development Regulations, the Planning Department recommends the request for variances be **approved**:

If the Planning Board approves this request, staff suggests adherence to the following conditions:

1. The applicant shall provide the proposed structural wall/fence upland of the wetland jurisdictional line in order to provide a structural buffer to avoid adverse secondary impacts to the wetland area, create a protective barrier, and improve the current conditions of the site, as depicted on the site plan.
2. KOTS Facility shall utilize loading areas for Fire Department access and loading during evacuation procedures.
3. KOTS Facility Staff shall direct KOTS clients to utilize bus stops along both sides of College Road.