

**THE CITY OF
KEY WEST
PLANNING BOARD
Staff Report**



To: Chair and Planning Board members

Through: Katie P. Halloran, Planning Director

From: Daniella P. Bonilla, Senior Planner

Meeting Date: November 17th, 2022

Agenda Item: **Minor Development Plan – 1801 White St. (RE#00059570-000000)** - A request for the approval of a minor development plan in order to construct a new modular unit replacing an existing clinic building on property located in the Public and Semi-Public Services (PS) Zoning district pursuant to Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: Minor development plan approval to build a new two-story modular unit

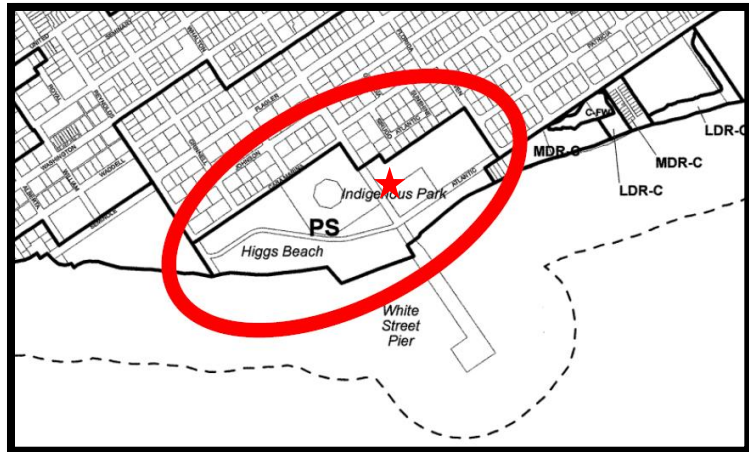
Applicant: Key West Wildlife Center, Inc.

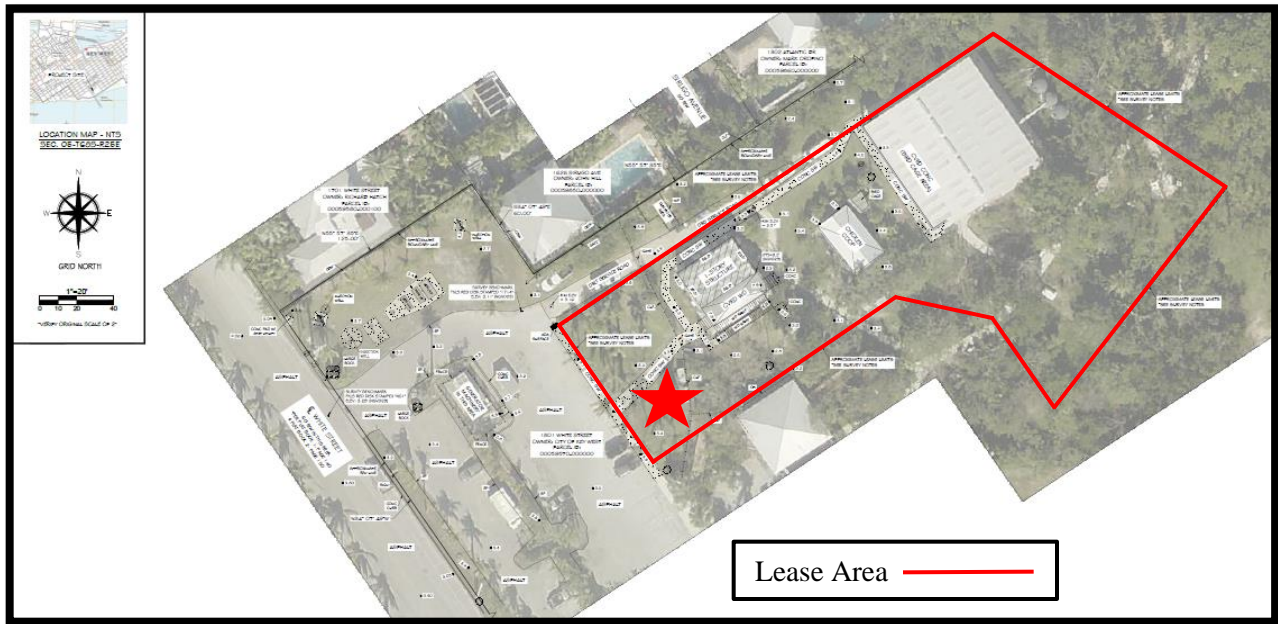
Property Owner: The City of Key West, Florida

Property Lessee: Key West Wildlife Center, Inc.

Location: 1801 White Street, Key West, FL 33040 (RE# 00059570-000000)

Zoning: Public and Semi-Public Services (PS)





Background:

The subject property is located at 1801 White Street, and it is within the Public-Semi Public Services (PS) zoning district. The entire parcel, which is also known as Indigenous Park, is 237,231 sq. ft (about 5 ½ acres). A portion of the parcel is subleased to the Key West Wildlife Center and is +/- 38,240 sq. ft. in area. Properties to the immediate north and east are zoned mostly Single Family (SF) Residential, except for a parcel of land to the rear (south-easterly) of the property, zoned Coastal Medium Density Residential (MDR-C). Additionally, the subject property is bordered by Rest Beach and the Straits of Florida to south, and the Historic Commercial Tourist (HCT) District to the immediate west. The property is near, but not within the Key West Historic District.

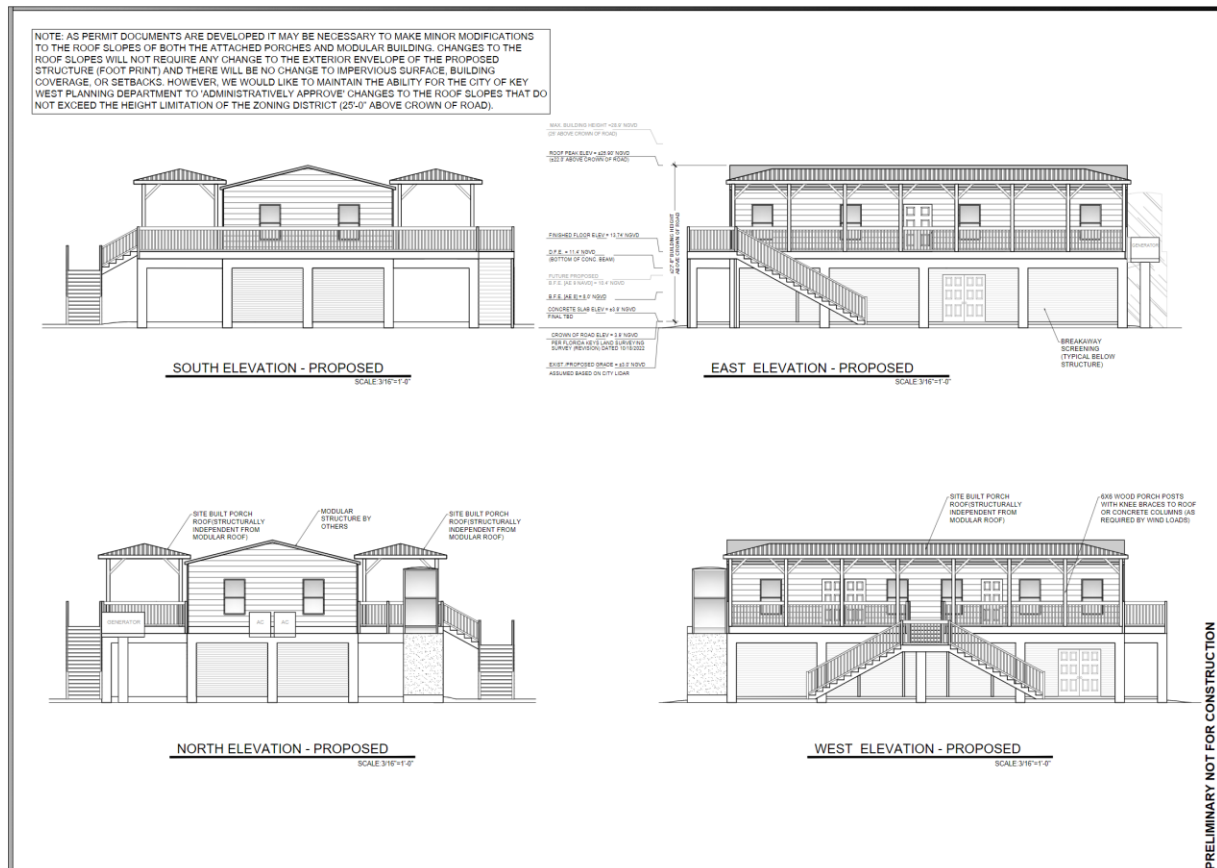
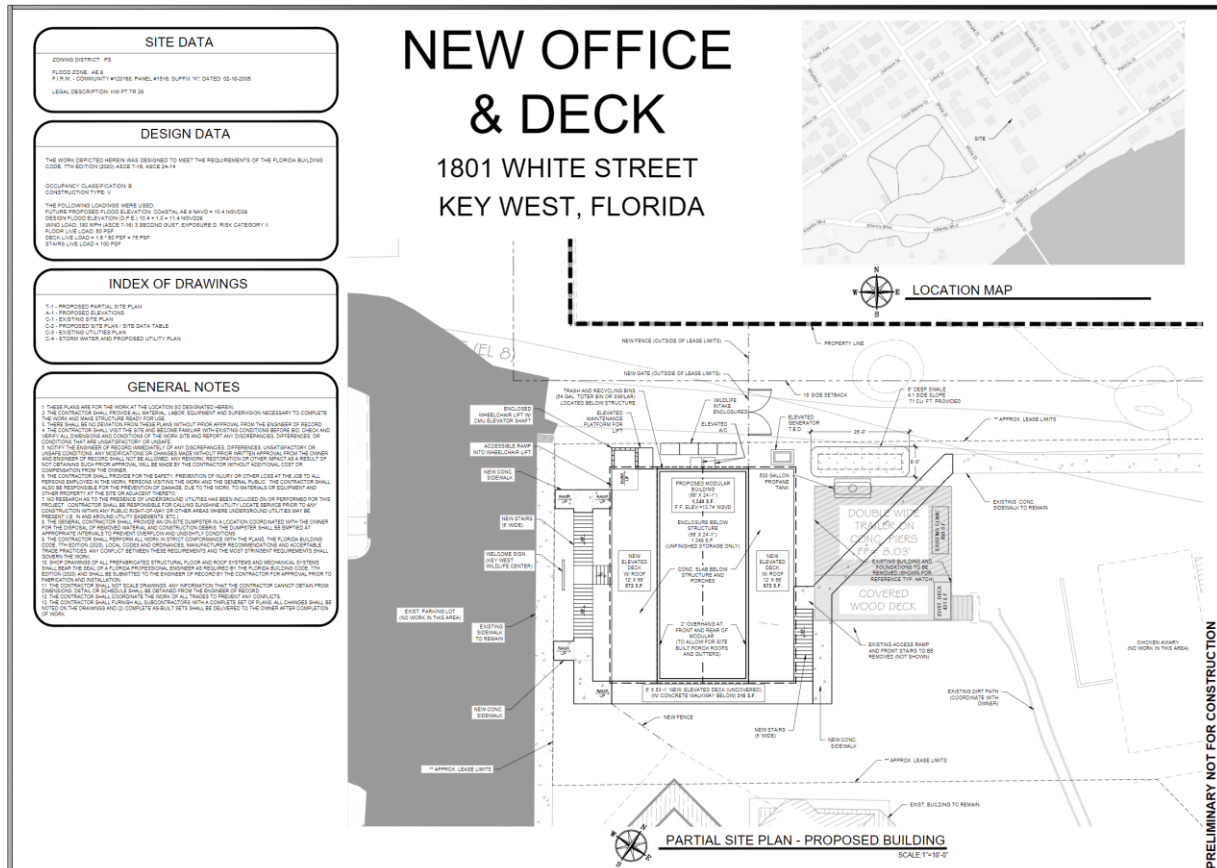
The City owns the property at 1801 White Street and the Key West Wildlife Center, Inc. is a concessionaire that has provided avian wildlife rescue services to the community for years. The Key West Wildlife Center consists of a 1-story 850 sq. ft rehabilitation center, a 1,247 sq. ft. chicken coup, and a 5,191sq. ft. aviary used to house rehabilitated birds until they can be released back into the wild.

The Wildlife Center has proposed this minor development plan to construct a new two-story modular unit that will be utilized as a clinic, demolish the outdated existing 1-story modular office and clinic building, and install new elevated decks. The proposal would not affect the rear aviary structure. The following development approval would be necessary:

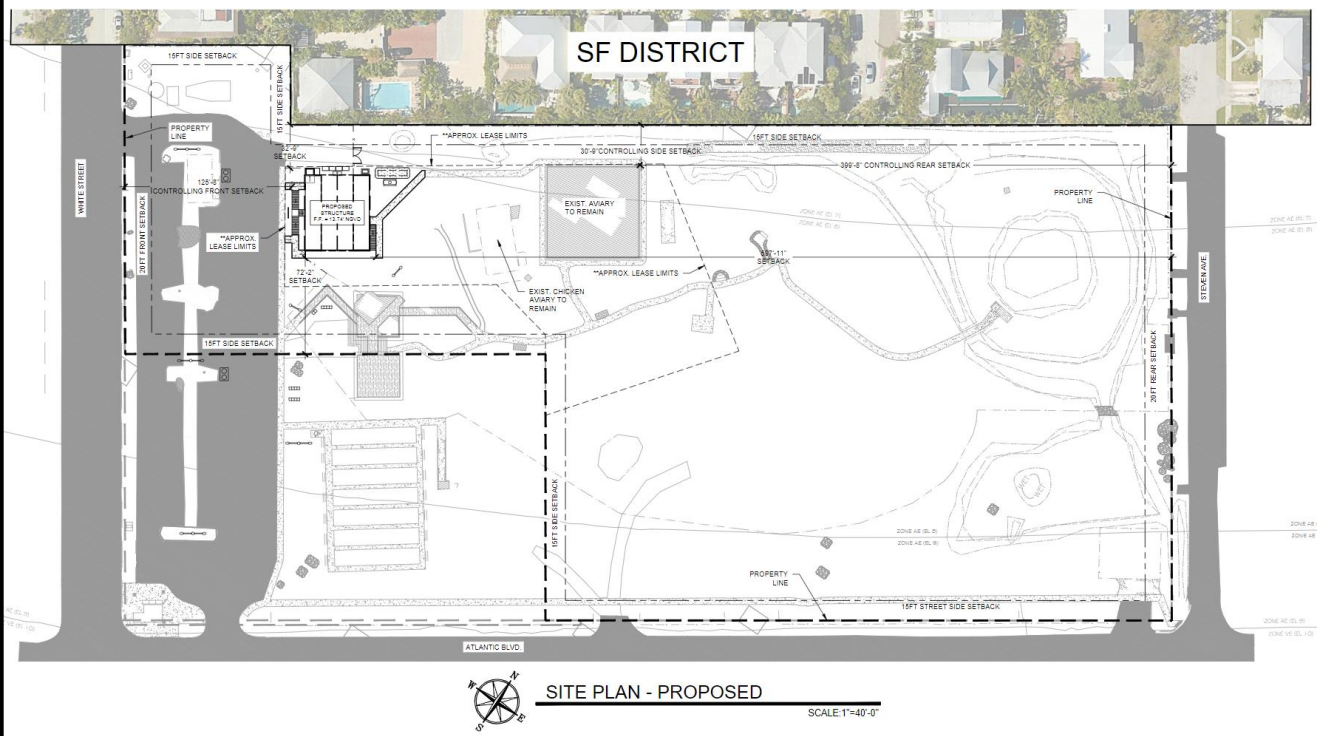
- Minor Development Plan review is required due to the construction of 1,000 to 4,999- square-feet of gross floor area outside of the historic district pursuant to Section 108-91.B.1. (b).

Proposed Development:

The applicant is proposing to construct a new two-story, 1,349 sq. ft modular unit with exterior elevated decks to provide timely and adequate care to the injured wildlife they are open to receive 24 hours a day, all year round.



	EXISTING CONDITIONS	ALLOWABLE CONDITIONS	PROPOSED CONDITIONS	COMMENTS
DISTRICT	P5	P5	P5	
LOT SIZE (SF)	237261	N/A	237261	
APPROX. LEASE LIMIT (SF)	38240	N/A	38240	
BUILDING AREA (SF)	7960	15296	9726	W/IN APPROX. LEASE LIMIT
BUILDING COVERAGE	20.6%	40.0%	25.4%	W/IN APPROX. LEASE LIMIT
FLOOR AREA (SF)	851	7648	1349	W/IN APPROX. LEASE LIMIT
FLOOR AREA RATIO	2.2%	20.0%	3.5%	W/IN APPROX. LEASE LIMIT
IMPERVIOUS COVERAGE (SF)	18320	22864	13939	W/IN APPROX. LEASE LIMIT
IMPERVIOUS COVERAGE	30.0%	60.0%	35.0%	W/IN APPROX. LEASE LIMIT
OPEN SPACE (SF)	26420	15296	24841	W/IN APPROX. LEASE LIMIT
OPEN SPACE	69.1%	40.0%	65.0%	W/IN APPROX. LEASE LIMIT
BUILDING HEIGHT	< 25'-0"	25'-0"	> 11'-22'-0"	ABOVE CROWN OF ROAD
FRONT STRUCTURE SETBACK	183'-9"	20'-0"	125'-8"	TO FRONT STAIRS
SIDE STRUCTURE SETBACK	30'-9"	25'-0"	30'-9"	TO EXIST AVIARY
REAR STRUCTURE SETBACK	399'-8"	20'-0"	399'-4"	TO EXIST AVIARY



Surrounding Zoning and Uses:

Surrounding properties are located within the Single-Family (SF), Coastal Medium Density Residential (MDR-C), and Historic Commercial Tourist (HCT) zoning Districts. Surrounding uses include Higgs Beach (dog park), Rest Beach (public beach), and residential dwellings (single-family, multi-family).

Process:

Development Review Committee:
Conceptual Landscape Plan:
Planning Board:
Final Tree Commission:
DEO Review:

August 25th, 2022
October 4th, 2022
November 17th, 2022
TBD
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.B.1(b) requires Minor Development Plan approval for the addition or reconstruction of 1,000 to 4,999-square-feet of gross nonresidential floor area outside of the Key West Historic District.

City Code Section 108-196(a) states after reviewing 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.

Per City Code Section 108-196(b), the Planning Board's decision on a Minor Development Plan outside the historic district shall be final unless appealed. The board may approve, approve with conditions, or deny the application.

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	PS			
Flood Zone	AE-7.00 & 8.00 NGVD			
Site (Concession area)	+/- 38,240 sq. ft.			
Maximum Density	N/A	N/A	N/A	No
Maximum Floor Area Ratio	0.2 (20%)	2.2%	3.5%	No
Maximum Height	25'	14'	22'	No
Maximum Building Coverage	40%	20.8%	25.4%	No
Maximum Impervious Surface	60%	30.9%	35.0%	No

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum Open Space	40%	69.1%	65.0%	No
Minimum Front Setback	20'	183'-9"	125'-8"	No
Minimum Side (North) Setback	15'	30'-9"	32'-9"	No
Minimum Side (South) Setback	15'	75'	72'-2"	No
Minimum Rear Setback	20'	399'-8"	399'-8"	No
Off-Street Parking*				
Public Building; Community Centers	9 spaces	25 spaces, of which 4 are accessible	25 spaces, of which 4 are accessible	No
Bicycles	2	16	16	No

*Parking on site is owned and maintained by the City of Key West. The parking area is not within the area leased by the Key West Wildlife Center.

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 Minor 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 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) and has available capacity to service the proposed development with the existing infrastructure currently in place.

Sec. 94-68 states the Level of Service (LOS) standards for potable water for nonresidential uses shall be 650 gallons/per acre/per day:

Based on per capita nonresidential: $650 \text{ gal/acre/day} \times 0.878 \text{ acres (38,240 sq. feet)} = 570.7 \text{ gal/day}$.

The total potable water demand for the proposed reconstruction is 570.7 gallons per day.

2. Wastewater management.

The applicant states that the current utility service is adequate to support the proposed development pursuant to City Code Section 94-67. The Code states nonresidential uses at 660 gallons per acre per day.

Based on per acre nonresidential: $660 \text{ gal/acre/day} \times 0.878 \text{ (38,240 sq. feet)} = 579.48 \text{ gal/day}$

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

3. Water quality.

The property is served by the City's central sewer system. The existing watermain on the property will be extended to reach the new construction. De-watering concerns were brought up by Staff since there is a possible digging risk associated with the future construction of the waterline proposed for extension. Being that the property is adjacent to Rest Beach/ Florida Straits, the risk comes from the possibility of hitting sea water and flooding the area. The applicant has been asked to "dry" install the lines, and that the future contractor coordinate with Staff prior to construction.

4. Stormwater management / drainage.

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The stormwater drainage plans and details are shown in the attached, "*Stormwater and Proposed Utility Plan*." The impervious surface ratio increased by 4.1%, and a new 6" deep swale has been proposed that will account for 71 cubic feet of stormwater, where a minimum coverage of 66 cubic feet is required. The existing sanitary sewer line will also be extended to reach the new construction. Currently, there is no history of soil contamination on the property. At this time, no adverse impacts to stormwater management or drainage facilities are anticipated.

5. Solid waste.

The solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate 14 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Based on per capita nonresidential: $6.37 \text{ lbs/capita/day} \times 5 \text{ persons} = 31.85 \text{ lbs/day}$.

The attached, "*Partial Site Plan – Proposed Building*," show that the recycling and garbage bins will be enclosed on the first floor of the new structure. The adopted solid waste LOS is anticipated to be adequate to serve the proposed development.

6. Roadways.

The trip generation for the proposed new construction will not change since the land use and number of employees are the same. The new structure will also not be substantially bigger than the existing structure.

7. Recreation.

The proposed plans do not show recreation facilities. The proposed development is not expected to impact recreational levels of service.

8. Fire Protection.

At the time of building permit review, a life safety plan will be submitted by the applicant and reviewed by the lieutenant fire inspector. The applicant is expected to propose but is not limited to proposing the following features: LED combo exit lights, LED emergency lights, fire extinguishers, ceiling mounted combo smoke detector/carbon monoxide sensors, and wall mounted horn/strobes. At least two (2) exits shall be available as means of egress.

9. Reclaimed water system.

The proposed plans do not show a water catchment system. Although a swale is proposed, the water catchment systems are located outside of the leased area.

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 not located in the historic district and the proposed development would not need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the reconstruction of the commercial building.

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

The proposed site plan is analyzed in greater detail below. Traffic impacts are expected not to change with the proposed development since the land use will be the same as before. The proposed open space, screening, and buffers provided on site will be an improvement from the previous landscaping.

City Code Section 108-956 (potable water and wastewater)

Potable water and wastewater were found to comply as shown 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 archeological resources are discovered during construction, the Applicant is required to comply with this article.

Site location and character of use (City Code Section 108-235).

- (a) *Compliance.* The submitted Minor Development Plan has been reviewed for compliance with all applicable performance criteria set forth in Chapter 94 (Concurrency Management), Code Chapter 102 (Historic Preservation), Chapter 106 (Performance Standards), Articles I and III through IX of Chapter 108 (Planning and Development), Chapter 110 (Resource Protection) and Chapter 114 (Signs).
- (b) *Vicinity map.* The subject property is a corner lot and is bounded by single family homes to the north, Steven Avenue to the east, Atlantic Boulevard to the south, and White Street to the west.
- (c) *Land use compatibility.* Uses within 50 feet include single and multi-family residential dwellings. Although Higgs Beach and Rest Beach are located to the west and south of the property, they will not be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* There are no known historic or archeological resources at the property.
- (e) *Subdivision of land.* No subdivision of land is proposed.

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

The Applicant submitted a Minor 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. The property is not located in the historic district and the proposed development would not need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the reconstruction of the commercial building.

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 engineer registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239).

Proposed site amenities include new paved ADA compliant pedestrian walkways, ramps, and wheelchair lifts. A new screened waste enclosure is also proposed, as well as new landscaping, wildlife intake enclosures, stairs, and elevated decks.

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).

A soil survey is not required at this time.

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

The parcel is located within both the AE-7 and AE-8 flood zones. The lease area itself is not next to open water, but the parcel overall shares a southerly boundary line with Atlantic Boulevard which is adjacent to Rest Beach. There are no impacts to environmentally sensitive areas anticipated at this time.



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

- (a) *Land clearing, excavation, and fill.* All native trees like the Gumbo Limbo, Thatch Palm, and Green Buttonwood will be relocated on the property. Shrubs and ground covers like Spanish Stopper and Dwarf Coffee are also proposed for installation.
- (b) *Landscaping plan.* The City of Key West Tree Commission approved the Conceptual Landscape Design Plan (T2022-0020) to allow the project to proceed through the permitting process with the Planning Board. Once approval is received by the Planning Board, the application come again before the Tree Commission for Final Landscape approval.
- (c) *Irrigation plan.* An irrigation plan will be submitted by the applicant pursuant to Section 108-243 (d), during Final Landscape review by the Tree Commission or during the building permit review process.

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

No off-site parking is proposed. On-site parking is owned and maintained by the City of Key West, and is in front of the Wildlife Center, adjacent to White Street. For the entire Indigenous Park, there are a total of sixty-four (64) parking spots, four (4) handicap spots, and thirty-six (36) bikes. Of that configuration, the lease area/Center utilizes twenty-five (25) spots, all four (4) handicap slots, and sixteen (16) bike racks.

Housing (City Code Section 108-245):

The development project does not include residential development.

Economic resources (City Code Section 108-246):

The market improved value of the parcel may increase with the proposed development.

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 not located in the historic district and is within the AE-7 and AE-8 flood zones.
- (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 will be provided to accommodate bus ridership.
- (f) The plans do not specify any special design features that will be utilized to reduce energy consumption.
- (g) The existing structure will be demolished, and the first floor will contain a louvered trash and storage area that may be up to 1,349 square feet.
- (h) There are no private or public recreational facilities shown on the plans.
- (i) Coordination with applicable agencies was facilitated through the DRC.
- (j) No wetlands or submerged land would be impacted.

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

The construction is proposed to proceed in two (2) phases and will progress steadily based on the LDRs and the Florida Building Code. During the first phase of construction the center will be built, and during the second phase of construction the existing structure will be demolished within ninety (90) days of the issuance of a temporary certificate of occupancy (TCO) for the new construction. All onsite upgrades and amenities will be done between both phases. Temporary construction fencing and erosion barriers shall be installed and maintained during all phases of construction. All City streets and sidewalks shall be kept clean and safe during all phases of construction.

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 wildlife rehabilitation center is a permitted use within the PS zoning district.

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

The appearance, design, and land use compatibility complement the surrounding properties and upgrades the appearance, cleanliness and over all well-being of the surrounding properties by providing much needed on-site upgrades. The reorientation of the building to face White Street provides architectural features such as stairs, an ADA lift, and covered porches that will better welcome the public to visit the clinic.

Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280)

The site plans show one location for a trash and recycling enclosure located on the first floor of the property. The air conditioning units will be cantilevered on the second floor of the new construction, along the northly side of the structure. The generator will either be placed on an elevated pad along the northerly side of the structure, or on a standalone platform next to the second floor on the same (north) side elevation. The elevator will obstruct/screen the AC units and proposed generator from view along the west elevation, which is the same side facing White Street. Additional screening will be installed if required by Staff during the building permit review process.

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

None proposed.

Utility lines (City Code Section 108-282)

Water and sewer line extensions are proposed on the property to service the new construction.

Exterior lighting (City Code Section 108-284)

An exterior lighting or photometric plan will be submitted during the building permitting process. Review and approval of the lighting will be done in a manner accepted by Staff.

Signs (City Code Section 108-285):

The new signage for the parcel is subject to Chapter 114, Article II, Divisions 1 and 4, and will be reviewed and approved in a manner accepted by Staff during the building permitting process.

Pedestrian sidewalks (City Code Section 108-286):

Paved interior walkways are proposed and will connect to the existing pedestrian access at White Street.

Loading docks (City Code Section 108-287):

No loading docks are required or proposed.

Storage areas (City Code Section 108-288):

No exterior storage areas are proposed. Storage is proposed on the first floor of the proposed new construction.

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

The conceptual landscape plan was reviewed by the Urban Forestry Manager and the Tree Commission at the October 4th, 2022 meeting.

Landscaping (Code Chapter 108, Article VI):

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated throughout the property. The Urban Forestry Manager and the Tree Commission approved the Conceptual Landscape Plan to allow the project to proceed through the permitting process. The applicant will need to seek final approval of the landscape plan after the Planning Board.

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

On-site parking is owned and maintained by the City of Key West, and is in front of the center, adjacent to White Street. For the entire Indigenous Park, there are a total of sixty-four (64) parking spots, four (4) handicap spots, and thirty-six (36) bikes. Of that configuration, the lease area/center utilizes twenty-five (25) spots, all four (4) handicap slots, and sixteen (16) bike racks.

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

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The stormwater drainage plans and details are shown in the attached, “*Stormwater and Proposed Utility Plan*.” The impervious surface ratio increased by 4.1%, and a new 6” deep swale has been proposed that will account for 71 cubic feet of stormwater, where a minimum coverage of 66 cubic feet is required. The existing sanitary sewer line will also be extended to reach the new construction. Currently, there is no history of soil contamination on the property. At this time, no adverse impacts to stormwater management or drainage facilities are anticipated.

Utilities (Code Chapter 108, Article IX):

Access to potable water, wastewater disposal systems and conservation of potable water supplies were analyzed in the above concurrency management determination and were found to be in compliance.

Art in Public Places (City Code Section 2-487):

The public art set-aside requirement is not triggered by this project.

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 a Minor Development Plan be **APPROVED** with the following conditions:

General conditions:

1. The proposed construction shall be in substantial compliance with the site plans signed, sealed, and dated. October 19th, 2022 by Justin Henika, a Registered Engineer in the State of Florida. The development shall also be consistent with the landscaping plans dated September 12th, 2022 by Ladd B. Roberts, a Registered Landscape Architect in the State of Florida. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted and dated. Development plan modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner as per Section 108-91(c)(1). All modifications shall be submitted for review and approval to the Planning Department prior to building permit application. Minor and major development plan modifications are addressed as per Section 108(C.).
2. The hours of construction shall comply with the City Code and must be limited to 8 AM thru 7 PM on Monday to Friday, and 9 AM thru 5 PM on Saturday. No work on Sunday shall be permitted.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
4. The applicant shall obtain final landscape plan approval from the Tree Commission.
5. Garbage and recycling containers or bins shall be enclosed and screened within the first floor of the new construction, in a manner to be reviewed and approved by Staff.

Conditions prior to issuance of a building permit:

6. Applicant shall coordinate with Keys Energy Services for a full project review.

Conditions prior to issuance of a certificate of occupancy:

7. All applicable impact fees shall be paid in full.
8. The applicant may open and operate the new rehabilitation center with a temporary certificate of occupancy (TCO) for a maximum of one hundred and twenty (120) days. Before the end of the one hundred and twenty (120) day time frame, the applicant must demolish the existing structure and attain a Certificate of Occupancy (CO).