

1319 Williams ST, Minor Modification to MDP



APPLICATION

MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: September 15, 2022 (revised)
To: Ms. Katie Halloran, City Planner
From: Thomas Francis-Siburg
CC: Mr. Paul Misch, Owner
Mr. Owen Trepanier
Re: **1319 William Street-1316 Royal Street** (RE# 00036920-000000)
Condition Modification to Res. No. 21-197

This is the applicant response to DRC comments on 05/26/22 regarding the conditions of the Major Development Plan Res. No. 21-197 to relative to phasing.

DRC Comment:

Katie Halloran - Planning Director: BPAS approvals would expire prior to permits being pulled. A development agreement is the only mechanism to extend BPAS approvals. The current expiration date of the BPAS approval is 10/31/2023. Please review Secs. 90-360.B, 90-361, Sec. 108-203, and Sec. 108-248.

Applicant Response:

The proposed phasing shall require construction of Unit 4 to commence permitting prior to the expiration of its associated BPAS.

Phasing Plan

Phase	Units	ROGO		Commencement	Completion
		Type	Exp. Date		
1	1	Beneficial	NA	11/15/22 - <i>Commenced</i>	Progress and completion pursuant to the KW LDRs and Florida Building Code
	3	Beneficial	NA	11/15/22 - <i>Commenced</i>	
	5	BPAS	10/31/23	11/15/22 - <i>Commenced</i>	
2	4	BPAS	10/31/23	04/15/24 or prior to the expiration of the associated BPAS, whichever is sooner ¹	
	6	Beneficial	NA	04/15/24	
3	2	Beneficial	NA	04/15/26	

DRC Comment:

Karen DeMaria - Urban Forestry Manager: Landscape planting will need to be in coordination with phasing, COs will only be issued when there is substantial landscaping per house.

Applicant Response:

The portion of landscaping associated with and adjacent to each individual unit shall be installed prior to the issuance of the C.O. for each individual unit. Landscaping around the existing structures along William Street will be installed / planted prior to the issuance of the C.O. of units 2, 4, and 6.

¹ Expiration dates are subject to change pursuant to F.S. 252.363 (State of Emergency Extensions)

DRC Comment:

Mario Duron – Planning Consultant: There is a requirement for AIPP. Do you have timing details for that?

Applicant Response:

The 2 required art pieces will be installed prior to the issuance of the C.O. of units 2, 4, and 6.

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CONSTRUCTION MANAGEMENT PLAN

Construction Management Plan and Inspection Schedule

1319 William & 1300 Royal Street
(RE No. 00036920-000000)

Revised 9/14/2022



Construction Management Plan and Inspection (Sec. 108-248):

PHASING SCHEDULE

Phase	Units	ROGO		Commencement	Completion
		Type	Exp. Date		
1	1	Beneficial	NA	11/15/22 - Commenced	Progress and completion pursuant to the KW LDRs and Florida Building Code
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PROJECT DOCUMENTATION

The contractor shall maintain all applicable local, state, and federal licenses and permits that apply to the construction project.

Compliance with any and all required public notifications shall be met.

A project sign shall be constructed and posted that identifies, at a minimum, the property owner, contractor, and land use planner.

PROJECT IMPLEMENTATION

Dates of construction shall commence according to the phasing schedule.

Construction hours shall comply with all applicable Ordinances.

Project shall be constructed as three phases.

No person shall excavate on land close enough to a property line to endanger any adjacent public street, sidewalk, and alley, other public or private property, or easement, without supporting and protecting the property from any damage that might result from construction operations.

All construction areas shall have a non-removable construction fence or other approved device securely placed around the areas to be protected.

¹ Expiration dates are subject to change pursuant to F.S. 252.363 (State of Emergency Extensions)

The construction project shall uphold respect to public health and welfare.

Project construction shall be oriented to minimize harm to all aspects of the property's natural environment.

The portion of any and all needed infrastructure associated with and adjacent to each individual unit shall be installed prior to the issuance of the C.O. for each individual unit.

PARKING MANAGEMENT

The contractor shall maintain continuous emergency vehicle access, on and around site, including but not limited to police, fire, and ambulance services. This includes projects adjacent to roads and alleys.

The project shall accommodate construction staging areas on site.

Construction trailers, job materials storage, portable restrooms, waste management and recycling containers shall be stored on private property and not within ROW, without the required approvals.

TRAFFIC CONTROL

All traffic control operations shall be managed by the designated traffic control supervisor.

Project haul routes shall be oriented to minimize traffic congestion and maximize pedestrian safety.

SEDIMENT AND EROSION CONTROL

The project shall employ Best Management Practices, which will minimize erosion and sediment transport.

- a. Stock piles must be protected with erosion control devices.
- b. County and near shore water inlets, gutters, swales and irrigation ditches shall be protected with erosion control devices and such protection maintained for the duration of the project.

EMISSIONS

All vehicles and equipment used on site will be properly maintained such that the engines will function within manufacture's standards or parameters.

NOISE SUPPRESSION

The noise limit for construction shall comply with any and all requirements of the County Code. All construction equipment shall be adequately muffled and maintained to minimize project noise.

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PHASING DIAGRAM

Landscaping around the existing structures along William Stet will be installed / planted prior to the issuance of the C.O. of units 2, 4, and 6.

SITE UTILITIES NOTES:

1. ALL ELECTRIC, CABLE, INTERNET AND WATER SERVICES SHALL COME FROM ROYAL STREET SIDE OF THE PROPERTY AND SHALL BE UNDERGROUND ON SITE
2. ALL SEWER LINES FROM INDIVIDUAL UNITS SHALL JOIN A MAIN BRANCH UNDER THE CENTER DRIVE AND CONNECT TO SEWER MAIN ON ROYAL STREET

SITE LIGHTING SYMBOL KEY

- ⊕ PEDESTRIAN PATH GROUND POLE DOWN-LIGHT
- PEDESTRIAN PATH WALL MOUNTED DOWN-LIGHT
- ⊖ WALL MOUNTED AREA LIGHT (PARKING & DRIVEWAY)

EXTERIOR LIGHTING NOTES:

3. ALL LIGHTING FIXTURES TO BE L.E.D., FULL CUT OFF
4. ALL LIGHTS TO BE SHOWN BY COMPANY
5. THERE SHALL BE NO LIGHTS ON THE ADJACENT PROPERTY
6. LIGHT LEVELS TO BE MINIMUM 3 F.C. FOR THE SAFETY
7. 1. PARKING AREA TO BE 3 F.C. AT GROUND LEVEL
8. 2. DRIVEWAY/DRIVEWAYS TO BE 3 F.C. AT GROUND LEVEL
9. 3. ACTIVE EXTERIORS TO BE 2 F.C. AT GROUND LEVEL
- LIGHT SOURCES TO BE SHIELDED AND APPROPRIATE TO EXAMINATE CLIMATE FROM ROADSIDE AND STREETS. SHALL BE DIRECTED AWAY FROM PARKING AREAS AND OUTSIDE THE EXISTING DRIVEWAYS. LIGHT SOURCES TO BE ACCOMPANIED BY LIGHTS ARE DIRECTED AWAY TO DIRECT THE LIGHT, LIGHTING TO BE INSTALLED ON ALL PARKING AREAS AND DRIVEWAYS.
- ENTIRE PARKING AREA, INCLUDING SIDE AND REVERSE PARKING, TO BE ACCOMPANIED BY LIGHTING. LIGHTING CONSIDERATION SHOWN TO BE ADEQUATE TO PROVIDE SUFFICIENT LIGHTING FOR THE PARKING AREAS, INCLUDING SIDEWAYS AND DRIVEWAYS.
- FROM THE DKT.

SITE DATA:

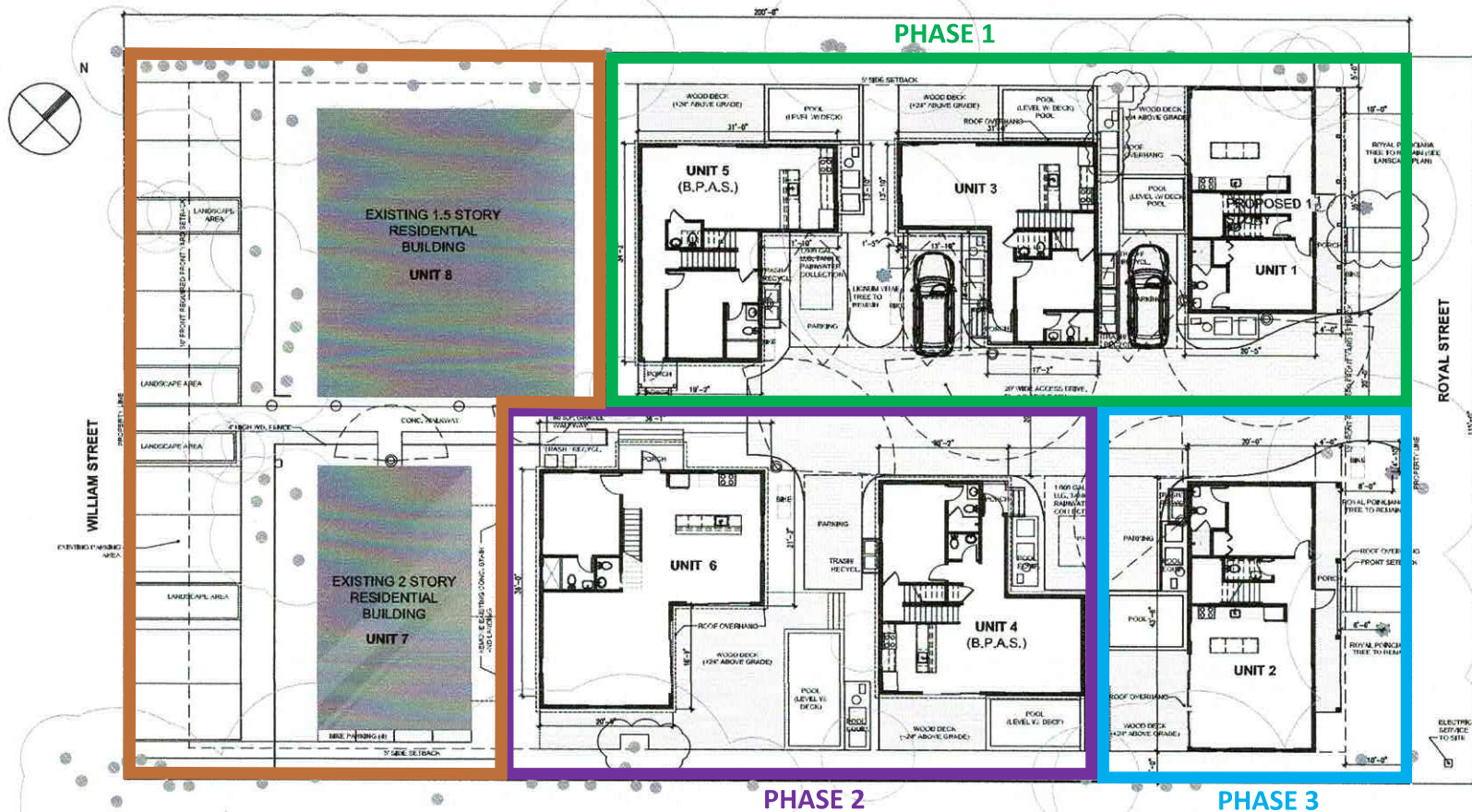
BICYCLE PARKING ALLOWED: N/A
EXISTING 4, PROPOSED: 24

SITE CALCS - ZONING DISTRICT: HMDR

	ALLOWED	EXISTING	PROPOSED	COMPLIANCE
HEIGHT	30'	N/A	30'	Yes
BUILDING COVER	60%	0.31 (-) 21.8%	0.122 (+) 35.3%	Yes
IMPERVIOUS SURFACE RATIO	40%	13.25% (+) 64.4%	13.07% (+) 62%	Yes
LOT SIZE	Min. 4,000 s.f.	23,000 s.f.	N/A	N/A
LOT WIDTH	40'	115'	N/A	N/A
LOT DEPTH	Min. 90'	200'	N/A	N/A
FRONT SETBACK (Rearless)	Min. 10'	30'	N/A	Yes
FRONT SETBACK (Rural)	Min. 10'	54.2'	10'	Yes
SIDE SETBACK (NORTH)	Min. 5'	7.6'	5'	Yes
SIDE SETBACK (SOUTH)	Min. 5'	9.2'	5'	Yes
REAR SETBACK	Min. 15'	29.7'	31'	Yes
OPEN SPACE	Min. 55%	30.45% (+) 45.05%	0.240 (+) 30%	Yes

N/A Existing Non-Conforming Condition

PROPERTY UNITS:
THIS PROPERTY HAS BEEN ALLOCATED:
6 BENEFICIARY USE UNITS
2 BPAS UNITS
TOTAL 8 UNITS
2 UNITS FOR EXISTING BUILDINGS 1317 & 1319



1
A1.0

PROPOSED SITE PLAN
SCALE: 1/8"=1'-0"

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URBAN FORESTRY MANAGER MEMO



THE CITY OF KEY WEST – Tree Commission

Post Office Box 1409, Key West, FL 33041-1409
(305) 809-3768

Date: September 8, 2022

From: Karen DeMaria, Urban Forestry Manager

Reference: 1319 William Street-1316 Royal Street Development Plan Modification

A request was made to the Planning Department regarding the approval of the phasing of construction related to the approved development plan at 1319 William-1316 Royal Streets, Res #21-197.

On September 7, 2022, a revised memorandum was received regarding the installation of landscaping in association with the proposed phased development (copy of memo attached). Landscaping will be installed prior to the issuance of the CO for each unit. Prior to the issuance of a CO for units 2, 4, and 6, the landscaping will also be installed/planted along William Street and the existing structure.

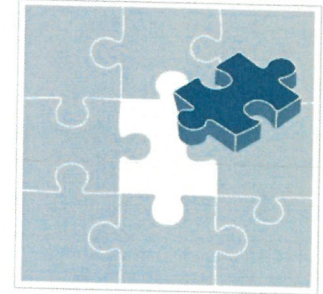
Based on the above information, I have no objection to the proposed phased construction request. The conditions of the landscaping installation must be made a part of the agreement.

Karen DeMaria
Urban Forestry Manager

Tree Commission
MEMORANDUM

MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: September 7, 2022 (revised)
To: Ms. Katie Halloran, City Planner
From: Thomas Francis-Siburg
CC: Mr. Paul Misch, Owner
Mr. Owen Trepanier
Re: **1319 William Street-1316 Royal Street** (RE# 00036920-000000)
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RESOLUTION NO. 21-197

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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVALS FOR A MAJOR DEVELOPMENT PLAN, A LANDSCAPE WAIVER AND AN AFFORDABLE WORKFORCE HOUSING REQUIREMENT LINKAGE PROVISION FOR PROPERTY AT 1319 WILLIAM STREET AND 1316 ROYAL STREET UNITS #1-6 (RE# 00036920-000000) 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 108-517, AND SECTION 122-1467(1)(B) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for the addition or reconstruction of five or more permanent residential units; and

WHEREAS, the proposed use of the property is for the construction and redevelopment of eight residential dwelling units; and

WHEREAS, waivers to the City's landscaping requirements are pursuant to City Code Section 108-517; and

WHEREAS, requirements of the affordable work force housing ordinance and specifically, linkage of project provisions, are pursuant to 122-1467(1)(b); and

WHEREAS, Code Section 108-196(a) requires the Planning Board

to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape waiver request and render the final action; and

WHEREAS, this matter came before and was approved by the Planning Board at a duly noticed public hearing on April 22, 2021, through Planning Board Resolution #2021-12; and

WHEREAS, the granting of a Major Development Plan and Landscape Waiver application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City Commission finds that the granting of a Major Development Plan and Landscape Waiver application is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, the City Commission finds that the project at 1319 William Street & 1316 Royal Street complies with Section 122-1467(1)(b) so long as specific proposed conditions of approval related to the linked redevelopment project at 1703 Von Phister are also adopted together with this Major Development Plan; and

WHEREAS, the City Commission has moved to further modify the

proposed specific conditions of approval to include a modification to the affordable housing linkage provision to specify all median income AMI rental units for the duplex at 1703 Von Phister, as also agreed at the hearing by the applicant; and

WHEREAS, the applicant provided revised plans for the linked redevelopment project at 1703 VonPhister, dated June 24, 2021, by William Byron Shepler, after the Planning Board approval on April 22, 2021; and

WHEREAS, staff has reviewed the revised plans for 1703 VonPhister and affirms they remain compliant with the required provisions of Section 122-1467(1)(b); and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The Major Development Plan, landscape waiver, and an affordable workforce housing requirement linkage provision for property at 1319 William Street and 1316 Royal Street Units #1-6 (RE# 00036920-000000) to construct and redevelop eight (8) dwellings units located within the Historic Medium Density (HMDR) zoning district pursuant to Section 108-91A.2.(A), Section 108-517, and Section 122-1467(1)(B) of the Land Development Regulations of

the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated September 10, 2020 by William Byron Shepler, R.A., for 1319 and 1316 Royal Street Units #1-6, and revised plans dated June 24, 2021 by William Byron Shepler, is hereby 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 VonPhister 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 June 24, 2021, by William Byron Shepler, R.A. These two units shall be restricted for affordable housing (median income) as defined in City of Key West Code Section 122-1467, and the developer/property owners shall not increase the sales or rental above 100% area median income.

Conditions prior to the City Commission hearing:

7. The applicant shall obtain final landscape plan approval from the Tree Commission.
8. The Landscape and 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. The two units at 1703 Von Phister shall be restricted for affordable housing (median income) as defined in City of Key West Code Section 122-1467, and the developer/property owners shall not increase the sales or rental above 100% area median income.

13. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

Section 3. Full, complete and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Major Development Plan and Landscape Waiver and Affordable Workforce Housing Linkage Provision application

approval by the City Commission does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

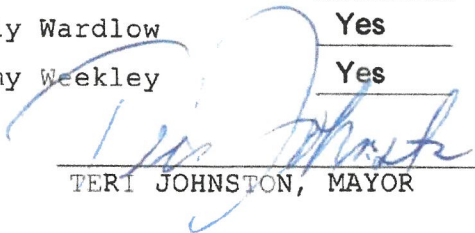
Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 14th day of September 2021.

Authenticated by the presiding officer and Clerk of the Commission on September 21, 2021.

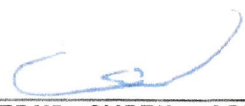
Filed with the Clerk this 21st day of September, 2021.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



TERI JOHNSTON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

1319 Williams ST, Minor Modification to MDP



SITE PLAN

