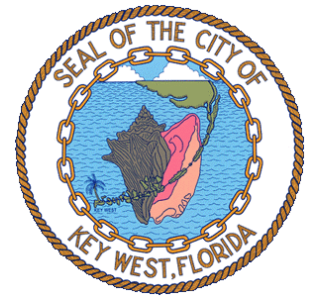


THE CITY OF KEY WEST  
PLANNING BOARD



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Scarlet R. Hammons, AICP CTP, The Corradino Group

Meeting Date: December 19, 2022

Application: **Variance and Parking Agreement – 918 Fort Street (RE# 00001630-000801)** – A request for approval of a bicycle substitution variance and a parking agreement with the City of Key West for the construction of 126 affordable housing residential units on property located within the Historic Neighborhood Commercial 4 – Bahama Village Truman Waterfront (HNC-4) Zoning District pursuant to Sections 108-244, 108-574, 108-576, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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Request: The applicant is proposing to construct a new 126 unit affordable housing multi-family residential community, consisting of three buildings that are two and three-stories with on-site parking. The units will be a combination of for-sale and rental properties.

Applicant: The Naval Properties Local Development Authority of the City of Key West; Bahama Village Community, LTD and Bahama Village on Fort, LTD

Property Owner: The Naval Properties Local Development Authority of the City of Key West

Location: 918 Fort Street (RE# 00001630-000801)

Zoning: Historic Neighborhood Commercial – 4 Bahama Village Truman Waterfront (HNC-4)



Proposed Development Area, Approximately 3.17 AC



Total Site Area, Per Monroe County Property Appraiser (inclusive of Truman Waterfront Parking Lot)

### **Background:**

The subject property at 918 Fort Street is located on Fort Street roughly between Angela and e Olivia Street, just south of the Truman Waterfront Park, and are two leased areas. The leased areas consist of 103,989 square feet and 33,962 square feet respectively. Both parcels are essentially vacant land, the south parcel is used as an athletic field. The property is located within the Historic Neighborhood Commercial – 4 Bahama Village Truman Waterfront (HNC-4) Zoning District.

The two parcels are separated by Allen Avenue, which will remain a public roadway. To the northwest of the property is a US Navy communication tower, referred to as the TACTS Tower. Pursuant to the US Navy MOA with the exception of roadways, walkways, and low level vegetation, no development may occur within 20' of the property line around the TACTS Tower. The US Navy requires an additional 50' setback along the side abutting the entrance gate to the Base. No vehicle parking or structures are permitted within the 50' setback for security purposes. Due to US Navy comments at the September 22, 2022, Development Review Committee meeting, the proposed site plan was modified to account for the 50' setback which eliminated surface parking which had been intended for this area. The applicant then approached the City to request consideration of a parking agreement to address needed parking spaces.

The City of Key West recently improved a surface parking lot directly to the north and adjacent to the development site for the use of visitors to Truman Waterfront Park (the "Truman Waterfront Park parking lot"). The parking lot is located on the same property (RE# 00001630-000801), and is within 100' of the proposed northern most building. The applicant has requested to utilize parking spaces in this lot to comply with Code requirements, as outlined below. The applicant is also proposing to relocate three parking spaces from this parking lot to an area immediately to the south, to allow for an access driveway to the condominium building from Quay Road.

### **Request:**

The applicant proposes to construct 126 affordable residential units, with on site parking. The applicant is requesting a parking agreement and a bicycle substitution variance to accommodate parking requirements specified in Section 108-572 of the City's Land Development Regulations. The applicant is proposing to build 83 new vehicle parking spaces, conveniently located along the perimeter of each building and along Allen Avenue. Of the 83 spaces, 8 are for handicapped parking. There will be 108 bicycle spaces that could be used to offset 27 vehicle spaces through the bicycle substitution variance pursuant to City Code Section 108-574, and subject to Planning Board approval. The remaining 16 spaces needed to provide for the code requirement of 126 could be accommodated through approval of the proposed parking agreement with the City for residents to utilize a portion of the Truman Waterfront Park parking lot.

Pursuant to the development and the code of ordinances (Section 108-244), and due to the land deed restrictions from the Navy when the parcel was conveyed, Bahama Village Partnerships requires a special long term contract in order to provide for its use of 16 parking spaces at the City's Truman Waterfront Park parking lot. The initial term of the proposed agreement is for 20 years, and may be renewed with review of appropriate payment by the City and the developer thereafter. If approved by the City Commission, the applicant has agreed to a lump sum payment to the City to compensate the City for documented lost revenue over the next 20 years. Per the agreement, the lump sum will be due at such time the spaces are being used, or at issuance of the first certificate of occupancy (including any temporary certificates of occupancy). The lump

sum amount proposed by the City is \$685,259. The spaces will not be signed or marked and the tenants will use a placard in the car to indicate they are authorized residents of the units.

**Parking Summary:**

**Required Parking:** 1 space per multifamily unit = 126 total spaces

**Provided Parking:**

Proposed New Parking: 8 ADA + 75 Standard = 83 new spaces

Truman Park Waterfront Parking: 16 spaces through a parking agreement with the City

Bicycle Substitution: 108 spaces for 27 vehicle spaces

**Total Provided:** 126 spaces

<b>918 Fort Street Site Data Table</b>				
Site Data	Required/Permitted	Existing	Proposed	Compliance
Zoning	HNC-4	HNC - 4	HNC - 4	Yes
FLUM	Historic Commercial		No Change	Yes
FEMA Flood Level(s)	AE6 & AE7		No Change	N/A
Site Size	137,950 SF, 3.17 AC		No Change	N/A
Building Size	N/A	0	52,870 SF	N/A
Building Coverage	Max 50%	0	38.3% (52,870 SF)	Yes
Impervious Surface	Max 70%	6.6%	69.4% (95,905 SF)	Yes
Building Height	35 FT	N/A	35 FT	Yes
Open Space	Min 20%	Approx. 100%	30.6% (29,898 SF)	Yes
Density	40 Units per acre	0	126 Units	Yes
FAR	N/A	N/A	N/A	N/A
Setbacks				--
Front	5 FT	N/A	5 FT	Yes
Side	5 FT	N/A	5 FT	Yes
Streetside	5 FT	N/A	5 FT	Yes
Rear	10 FT	N/A	10 FT	Yes
Parking	126, one space per unit	16 (Truman Waterfront Parking)	83 spaces	Yes with Agreement
Bicycle	13	0	13	Yes
Bicycle Substitution per Sec. 108-574	Substitute 4 Bike = 1 Vehicle	0	108 new bicycle spaces to substitute for 27 vehicle spaces	Yes

**Process:**

Development Review Committee	September 22, 2022
Tree Commission	October 4, 2022
Board of Adjustments	October 6, 2022
Planning Board Meeting:	December 19, 2022
HARC:	December 20, 2022
City Commission:	January 4, 2023
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

**Analysis- Evaluation for Compliance with the Land Development Regulations:**

The criteria for evaluating a variance are listed in Section 90-395 of the City Code however, bicycle substitution variances do not require hardship conditions pursuant to Section 108-574. The Planning Board must determine whether the requested bicycle parking substitution is compliant with the specific conditions below and whether the request would be beneficial.

The Planning Department finds that the bicycle substitution request is beneficial: it allows the developer to maintain the same number of housing units as initially proposed, providing homes for a significant number of renters and future homeowners, while minimizing the amount of surface area reserved for transportation in an area. This is an appropriate approach in a historic neighborhood with narrow neighborhood streets in close proximity to workplaces and City bus services.

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 site abuts the Key West Naval Air Station, Truman Annex, including the secured entrance gate. In order to maintain safety protocols and a high level of security the US Navy has imposed a 50 foot buffer along the southwest boundary that the two sites share. No structures or parking are allowed within 50 feet of the Navy Base perimeter. This burden placed a special circumstance on the site layout, which limits the number of surface parking spaces that can be accommodated. The applicant has entered into an agreement with the City to provide some of the deficient parking at the existing parking lot to the north that was constructed for the Truman Waterfront Park. The applicant is also providing an abundance of bicycle parking to encourage alternative forms of transportation.

**IN COMPLIANCE**

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The special circumstances of accounting for a 50 foot security buffer from the US Navy Base was not created by the applicant or property owner.

**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 land development regulations provide for a bicycle substitution variance through Section 108-574. Other developments affected by Navy setback requirements would be afforded a similar review and therefore the City does not consider approval of a bicycle substitution variance to confer special privileges denied others in the same zoning district.

#### IN COMPLIANCE

- ~~4. *Hardship conditions exist. That literal interpretation of the provisions 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.*~~

The finding of hardship conditions are not applicable to the bicycle substitution variance request pursuant to section 108-574.

N/A

5. *Only 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 bicycle substitution variance to the parking requirements for multifamily residential is the minimum variance needed. No other variances are requested. The applicant is requesting a parking agreement with the City to accommodate the remaining additional required 16 parking spaces.

#### IN 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 area involved or otherwise detrimental to the public interest or welfare.*

The development proposed is 126 affordable housing units, 28 of which will be units for sale. Providing affordable housing is a great benefit to the City with many low paying jobs and very high rents. Additionally, providing an abundance of bicycle parking will encourage active transportation options within an area of the City that has many entertainment options within a short bike ride, or within walking distance.

#### 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



**Concurrency Facilities and Other Utilities or Service (Section 108-233):**

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

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

*That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance, except for hardship conditions, and with consideration of whether the bicycle substitution request would be beneficial.*

The standards established by Section 90-395 and 108-574 of the City Code have been fully met by the applicant for the bicycle substitution variance 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 not received any submitted public comment for the variance request as of the date of this report.

**Recommendation:**

The attached draft parking agreement has been reviewed by staff from the Engineering, Planning, Legal, and Parking Departments, and the City Manager’s Office, and the Legal Department. **Staff recommends approval of the parking agreement as drafted.** On December 13, 2022, staff received notice that the applicant is not in agreement with the parking agreement however staff cannot opine on potential modifications given no detailed correspondence from the applicant has been received as of the date of publication of this report.

The bicycle substitution variance request meets the criteria stated in Section 90-395 and Section 108-574. The Planning Department recommends **Approval of the bicycle substitution variance with the following conditions:**

**General Conditions:**

1. The proposed construction shall be in substantial compliance with the site plan signed, sealed, and dated 12/1/2022 by Joshua J. Jennings. 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.).