

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



To: Chair and Planning Board Members

From: Ginny Haller, Planner II

Through: Patrick Wright, Planning Director

Meeting Date: July 20, 2017

Agenda Item: **Conditional Use – 1421 First Street (RE # 00045100-000000) - A** request for a conditional use for the construction of a single-family residential dwelling unit on property located in the Limited Commercial (CL) Zoning District pursuant to Sections 122-62 and 122-388 (1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

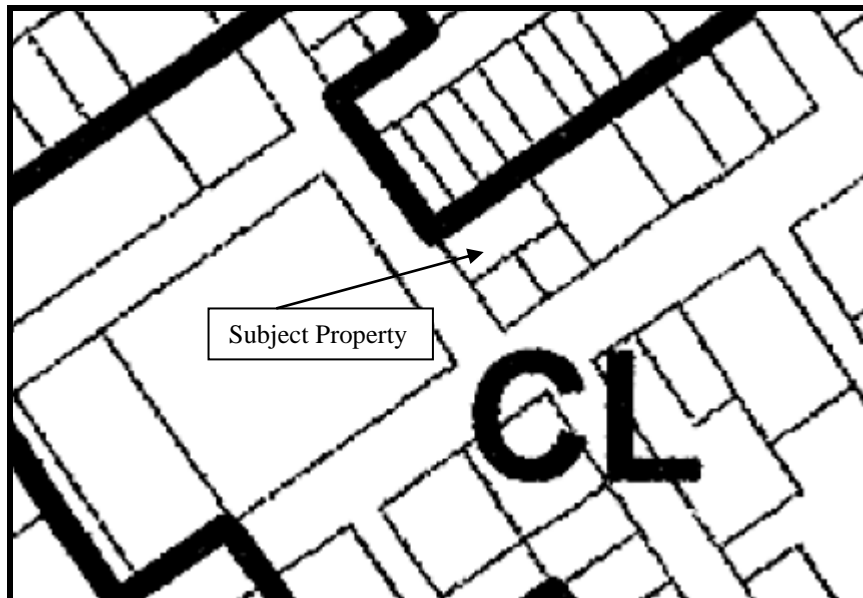
Request: To allow for the construction of a single-family residential dwelling unit.

Applicant: Trepanier & Associates, Inc.

Property Owner: Trepanier & Associates, Inc.

Location: 1421 First Street (RE # 00045100-000000)

Zoning: Limited Commercial (CL)



Background:

The subject property is located in the 1400 block of First Street bound by Staples Street and Flagler Avenue. A ten foot alley runs along the northern side of the property. The surrounding zoning is SF to the north and the other sides are within the CL zoning district. The entire property is approximately 5,050 square feet.

The property currently operates as a commercial space with office and restaurant uses. The applicant is proposing to construct a single-family residential dwelling unit with parking underneath the proposed structure. The existing commercial will remain.

Surrounding Zoning and Uses:

North: SF, Single Family residential dwelling units

South: CL, Commercial and restaurant uses

East: CL, Commercial and retail uses

West: CL, Commercial Uses

Process:

Development Review Committee: May 25, 2017

Planning Board: July 20, 2107

Local Appeal Period: 10 days

DEO Review: Up to 45 days

Conditional Use Review

The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Conditional Use Specific Criteria pursuant to Code Section 122-62***(a) Findings***

Code Section 122-62(a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during review of the respective application in order to ensure compliance with the Comprehensive Plan and land development regulations.” This section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

(b) Characteristics of use

The proposed use for a single-family dwelling unit is a conditional use in the CL zoning district. The property is located in the CL zoning district which shall accommodate limited commercial lands uses.

(1) Scale and intensity of the proposed conditional use as measured by the following:

a. Floor area ratio (FAR):

The proposed use will add no additional commercial floor area to the property.

b. Traffic generation:

The property is located in the limited commercial oriented area. The applicant has provided a trip generation statement analyzing the conditions of the location. The analysis shows a trip generation increase of:

- 0.75 trips on weekday mornings
- 1.01 trips on weekday evenings
- 0.94 trips on Saturdays
- 0.86 trips on Sundays

Staff concurs with the traffic generation report that the impacts are negligible.

c. Square feet of enclosed space for each specific use:

The entire proposed two-story single-family dwelling units will be residential use.

d. Proposed employment:

N/A

e. Proposed number and type of service vehicles:

N/A

f. Off-street parking needs:

The applicant has applied for a parking variance.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

a. Utilities

The new residential development will require coordination with KEYS Energy and Florida Aqueduct Authority.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94

None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

c. Roadway or signalization improvements, or other similar improvements

None expected.

d. Accessory structures or facilities

None proposed.

- e. **Other unique facilities/structures proposed as part of site improvements**
None proposed.

(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

a. Open space:

Open space requirement is improved as the removal of accessory structures, parking area, and brick pavers to be replaced by vegetation and landscaping.

b. Setbacks from adjacent properties:

Applicant has applied for variances for side setback, street-side setback, rear setback and building coverage.

c. Screening and buffers:

As shown on the attached Privacy Plan, the applicant is proposing additional landscaping and translucent windows along the south side of the property to buffer the proposed single-family structure from adjacent properties.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites:

The proposal for stormwater retention on the property includes two swales:

1. To retain 125 cubic feet of runoff.
2. To retain 85 cubic feet of runoff.

In addition, the proposed plan shows a cistern for 160 cubic feet of stormwater runoff. See attached Stormwater Plan.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts:

The proposed use is for a single-family residence, therefore no noxious impacts expected.

(c) *Criteria for conditional use review and approval*

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility:

The residential use as the attached analysis and plans show, are compatible and harmonious with the surrounding commercial uses.

(2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:

The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested.

(3) Proper use of mitigative techniques:

No adverse impacts anticipated. See stormwater retention criteria above in (3) d.

(4) Hazardous waste:

None expected or proposed.

(5) Compliance with applicable laws and ordinances:

Compliance with all applicable laws and regulations would be required.

(6) Additional criteria applicable to specific land uses:

Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

a. Land uses within a conservation area: N/A

b. Residential development: No negative impacts expected.

c. Commercial or mixed use development: No negative impacts expected.

d. Development within or adjacent to historic district: N/A

e. Public facilities or institutional development: N/A

f. Commercial structures, uses and related activities within tidal waters: N/A

g. Adult entertainment establishments: N/A.

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 Conditional Use be **DENIED**. If approved Staff recommends the following conditions:

General conditions:

1. The conditional use and site improvements/renovations shall match approved plans dated January 31, 2017 by WSA Architecture.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to & PM on Monday to Friday, and 9 Am to 5 PM on Saturday.
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.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.

5. The applicant shall meet all BPAS prerequisites as well as the claimed BPAS score of 20 points prior to a Certificate of Occupancy being issued on the one residential unit.