

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



To: Chair and Planning Board members

Through: Patrick Wright, Planning Director

From: Ginny Haller, Planner II

Meeting Date: December 21, 2017

Agenda Item: **Minor Development Plan & Landscape Waiver – 801 Eisenhower Drive (RE# 00023190-000000)** – A request for minor development plan and landscape waiver approvals for the renovation of ten (10) new transient residential units and eliminate approximately 12,000 square feet of commercial floor area on property located within the Commercial General (CG) Zoning District pursuant to Sections 108-91.B.1(a), 108-196(b), 108-347 and 108-413 through 415 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

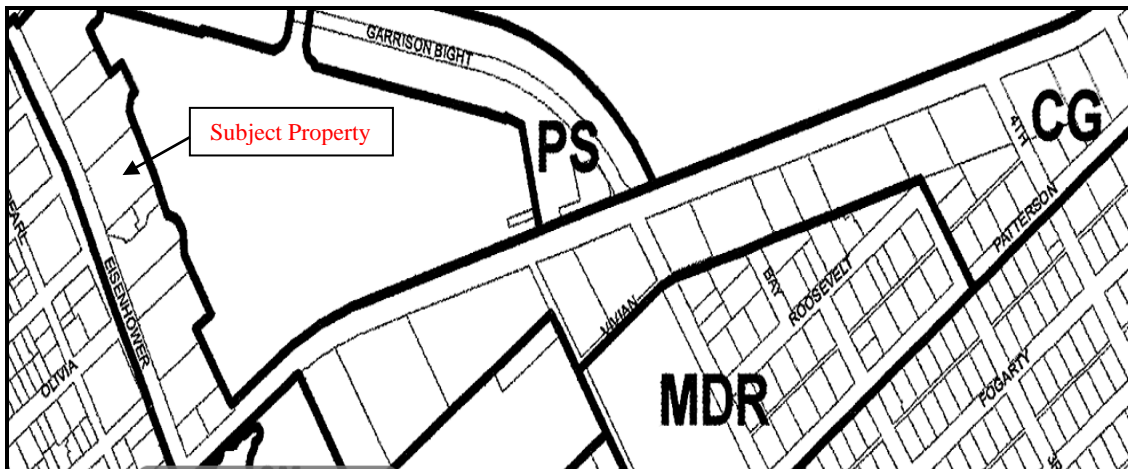
Request: Minor development plan and landscape waiver approvals for the interior renovation of an existing two-story office building to include ten new transient units.

Applicant: Trepanier & Associates, Inc.

Property Owner: Old Town Trolley Tours of Washington, Inc.

Location: 801 Eisenhower Drive (RE# 00023190-000000)

Zoning: Commercial General (CG)



Background:

The subject property is located at 801 Eisenhower Drive and is within the Commercial General zoning district along the North Roosevelt Boulevard area. The rear of the property abuts Garrison Bight and is surrounded by Public Service, Historic Medium Density Residential, and Conservation zoning districts. The property is not within the Historic District. The parcel is 31,726 square feet. The parcel currently has 12,000 square feet of commercial floor area.

The proposed minor development plan and landscape waiver seeks to renovate the interior of the existing building with minor alterations to the exterior in order to allow for the proposed development of ten transient units. Several development approvals would be necessary:

- Minor Development Plan review is required due to the reconstruction of permanent and transient residential development of five to ten more units pursuant to Section 108-91.B.1(a).
- The applicant is also requesting a waiver to landscape buffer requirements, pursuant to City Code Section 108-347 & 108-413-414-415.

Existing Conditions and Additional Background:

The properties currently consists of commercial businesses.

Proposed Development:

The proposal is for interior renovation and minor exterior modifications of the existing building. The applicant was granted ten transient Building Permit Allocation System (BPAS) units for the property in BPAS Year 4.

Surrounding Zoning and Uses:

Surrounding properties are located within the Commercial General (CG), Public Service (PS), Historic Medium Density Residential (HMDR), and Conservation (CM) zoning districts. The rear of the property abuts Garrison Bight.

Process

Development Review Committee:	January 24, 2017
Conceptual Landscape Plan	November 21, 2017
Planning Board:	December 21, 2017
Final Tree Commission:	Pending
DEO review	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 (a) requires minor development plan for permanent residential and transient residential development outside the Historic District: addition or reconstruction of five to ten more units. City Code Section 108-196(a) states after reviewing a Major Development Plan or 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. The Planning Board's decision on a Major Development Plan in the historic district shall be advisory to the City Commission.

Code Section 108-196(b) states 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	CG			
Flood Zone	AE-7			
Site size	31,726 SF			
Maximum density	16 du/acre	0	10 units	None
Maximum floor area ratio	0.8	0.38 12,000 SF	0.38 12,000 SF	None
Maximum height	30'	27'	29'	None.
Maximum building coverage	40%	29% 9,248 SF	31% 10,017 SF	None
Maximum impervious surface	60%	81% 25,756 SF	80% 25,468 SF	None/Improvement
Open Space	20%/35%	19.2% 6,114 SF	19.7% 6,258SF	None
Minimum front setback	25'	43'8"	36'3"	None
Minimum side setback	15'	31'2"	31'2"	None
Minimum side setback	15'	28'4"	28'4"	None
Minimum rear setback	25 feet	43'1"	43'1"	None

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 residential uses shall be 93 gallons/per capita/per day:

Based on per capita residential: 93 gal/capita/day x 25 persons (2.5 per unit) = 2,325 gal/day.

The Tiki bar is estimated to seat 10 customers and have 1 employee, therefore the potable water demand is 93 gallons/per capita/per day:

Based on per capita residential: 93 gal/capita/day X 11 persons = 1,023 gal/day

The total potable water demand for the proposed renovation is 3,348 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 residential uses at 100 gallons per day.

Based on per capita residential: 100 gal/capita/day x 25 persons (2.5 per unit) = 2,500 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. There are no adverse impacts to water quality anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The stormwater drainage is shown on attached Conceptual Drainage Plan C-110. The applicant states rainwater will be directed from the existing roof to the proposed cistern, and that the increase in landscaping will reduce the level of stormwater runoff. The location of the required cistern is shown on Site Plan A-110. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

5. Solid waste

The applicant states that the existing trash and recycling area on the northwest corner of the property along Eisenhower Drive is to be enlarged to 6' X 11'.

Based on per capita total waste generation for residential: 2.66 lb/capita/day x 10 units = 26.6 lb/day.

The applicant's solid waste disposal plan shall have a recyclable and non-recyclable component. No major changes to the solid waste removal system are proposed, therefore no adverse impacts are expected.

6. Roadways

The trip generation of the current commercial use is greater than the proposed residential use as per the Institute of Transportation Engineer Trip Generation calculations for Hotel, General Office and Tiki Bar uses.

7. Recreation

The site plan shows a 409 square foot swimming pool, twenty bicycle parking spaces, a Tiki bar and a dock at the rear of the property.

8. Fire Protection

Life Safety Plans for the ground floor and the second floor were submitted.

9. Reclaimed water system

As a part of the BPAS requirements for the ten transient residential units, a cistern shall be utilized.

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.

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

The proposed open space and dimensional setback requirements are in conformance with the Code. The proposal is requesting a landscape waiver for the buffers along the front and sides of the property.

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

Potable water and wastewater were found to be in compliance 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 any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

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 Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* The property is bounded by Eisenhower Drive on the west, Garrison Bight on the northeast, and North Roosevelt Boulevard on the southeast.
- (c) *Land use compatibility.* Uses within 300 feet include single-family residential and commercial. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* Property is not located in the historic district.
- (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.

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

Site amenities (City Code Section 108-239)

Proposed site amenities include new interior pedestrian walkways, new landscaping, bicycle racks, and outdoor lighting utilizing dark sky methods. All lighting fixtures are proposed to be L.E.D., and fencing and landscaping will decrease impacts from automotive headlights on adjacent properties.

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)

None anticipated for the project.

Environmentally sensitive areas (City Code Section 108-242)

Garrison Bight abuts the rear of proposed renovations. The subject property is located within the AE-7 flood zone.

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

- (a) *Land clearing, excavation and fill.* The proposed development would involve these activities as shown on the landscape plan. Native trees are being preserved or relocated to the maximum extent possible. No existing protected or regulated trees are being removed from the property, but several trees will be transplanted to other areas on the property.
- (b) *Landscaping plan.* The Key West Urban Forester approved the Conceptual Landscape Plan (T17-8611) to allow the project to proceed through the permitting process.
- (c) *Irrigation plan.* An Irrigation Master Plan must be submitted before the project can proceed to the Final Tree Commission.

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

No off-site parking is proposed. The proposed on-site parking for vehicles, scooters and bicycles and the pedestrian circulation is shown on the site plans. Parking demand will decrease with the change of use from commercial to residential use. An electrical vehicle charging station is shown on the site plans.

Housing (City Code Section 108-245)

The proposal is for renovations to construct ten new transient residential units and eliminate approximately 12,000 SF of commercial floor area. The proposal received ten residential units in BPAS Year 4, via Resolution 2017-06.

Economic resources (City Code Section 108-246)

The proposed transient housing units will add to the economic resources of the city.

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 in the AE-7 flood zone.
- (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) A swimming pool, pool bar and dockage is proposed on the property.
- (f) Coordination with applicable agencies was facilitated through the DRC.
- (g) 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 a single phase.

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 transient units are a permitted use within the CG 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.

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

The solid waste and recycling receptacle is to be located in a screened 6' 11' enclosure in a location to minimize impacts of waste hauling noises during waste hauling pick up days.

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

None proposed.

Utility lines (City Code Section 108-282)

None proposed.

Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)

None proposed.

Exterior lighting (City Code Section 108-284)

The applicant proposes landscaping and fencing along the sides of the property in order to mitigate sound and light from vehicles parking on the site. The applicant proposes dark sky lighting to be used as a buffer from light encroaching on the neighbors.

Signs (City Code Section 108-285)

The plans show the replacement of the existing sign on the western side of the property along Eisenhower Drive.

Pedestrian sidewalks (City Code Section 108-286)

Interior walkways are proposed.

Loading docks (City Code Section 108-287)

NA

Storage areas (City Code Section 108-288)

No exterior storage areas are proposed.

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

No work would impact a floodplain or a conservation area.. The conceptual landscape plan and vegetation removal has been reviewed by the Urban Forestry Manager and the Tree Commission at the July 11, 2017 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. Overall landscaped open space would be increased. The Urban Forestry Manager approved the Conceptual Landscape Plan to allow the project to proceed through the permitting process. The applicant will go to the Tree Commission for final approval of the landscape plan after the Planning Board.

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

None Proposed.

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 is shown on attached Conceptual Drainage Plan C-110. The applicant states rainwater will be directed from the existing roof to the proposed cistern, and that the increase in landscaping will reduce the level of stormwater runoff. The location of the required cistern is shown on Site Plan A-110. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

Utilities (Code Chapter 108, Article IX)

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

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

None proposed.

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 Minor Development Plan and Landscape Waiver be **APPROVED** with the following conditions:

General conditions:

1. The proposed development shall be consistent with the plans dated September 30, 2016 by William Shepler & Associates Registered Architect.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to & 7 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.
4. Irrigation Plan shall be submitted before final landscape plan approval from the Tree Commission.

Conditions prior to issuance of a building permit:

5. 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.
6. Applicant shall coordinate with Keys Energy Services a full project review.

Conditions prior to issuance of a certificate of occupancy:

7. The total score claimed of 110 points, in which the 10 transient Building allocation System (BPAS) units were awarded through Planning Board Resolution 2017-06, shall be confirmed by City staff.