



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

**To:** Chairman and Planning Board Members

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner II

**Meeting Date:** June 20, 2019

**Agenda Item:** **Variances – 5220, 5224, 5228, & 5230 College Road (RE# 00072082-002200, 00072082-002100, 00072080-002200, & 00072082-002400)** – A request for a variance to off-street parking requirements, minimum open space requirements, and maximum allowable impervious surface for properties located within the High-Density Residential College Road District (HDR-1) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

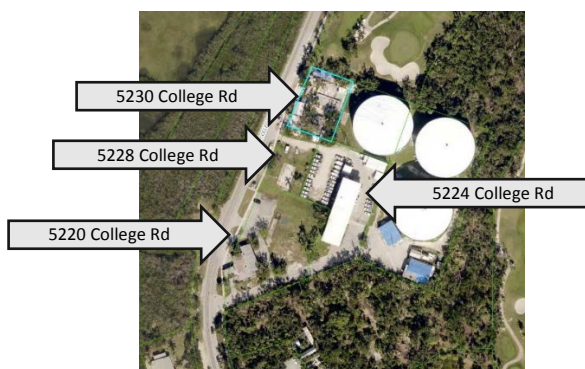
**Request:** The applicant is seeking a variance from the required 208 off-street parking spaces, the required minimum open space of 35 percent, and the maximum allowable impervious surface of 60 percent. The applicant is proposing 125 off-street parking spaces, a deficit of 83 automobile spaces. An open space ratio of 22.1 percent is proposed, a deficit of 12.9 percent. The proposed impervious surface ration is 77.9 percent, an overage of 17.9 percent.

**Applicant:** Trepanier & Associates, Inc.

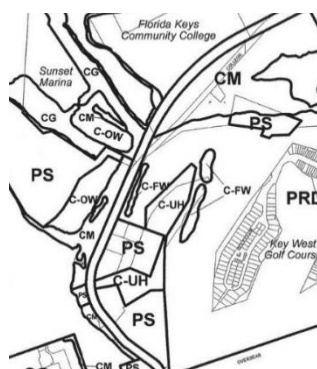
**Property Owner:** City of Key West

**Location:** 5220, 5224, 5228, & 5230 College Road (RE# 00072082-002200, 00072082-002100, 00072080-002200, & 00072082-002400)

**Zoning:** High Density Residential College Road District (HDR-1)



*Aerial image of the subject properties*



*Zoning map of the subject properties*

**Background:**

The properties at 5220, 5224, 5228, and 5230 College Road are located on the northside of Stock Island. The parcels are located within the High-Density Residential College Road District (HDR-1) zoning district and are not within the Key West Historic District boundaries. The HDR-1 zoning district was added to the Land Development Regulations (“the LDRs”) through Ordinance 18-04 with an intent to accommodate high-density affordable housing. On March 13, 2018, the City of Key West held a referendum to approve a maximum height limit of 40-feet in the newly created district. The measure passed by 58.4%.

The parcel at 5220 College Road is the former location of the Easter Seals Florida Keys Region and the parcel at 5224 College Road is the former location of the Florida Keys Mosquito Control. The Florida Keys SPCA’s previous location was at the parcels at 5228 and 5230 College Road. The Florida Keys Mosquito Control relocated to a new facility on Big Coppitt Key and the Florida Keys SPCA relocated to a new facility at 5711 College Road. Current conditions are shown in the photos below.



*Photograph of the property being cleared*



*Photograph of the property being cleared*

The applicant is proposing one (1) phase of development for the properties. The proposed development will comprise of three (3) structures. The structures are referred to throughout the plans as “Building A”, “Building B”, and “Building C”. Building A will have five (5) units, Building B will have sixty-six (66) units, and Building C will have thirty-three (33) units, for a total of one hundred and four (104) units. Six (6) of the one hundred and four (104) units will be fully compliant with the American with Disabilities Act (the ADA).

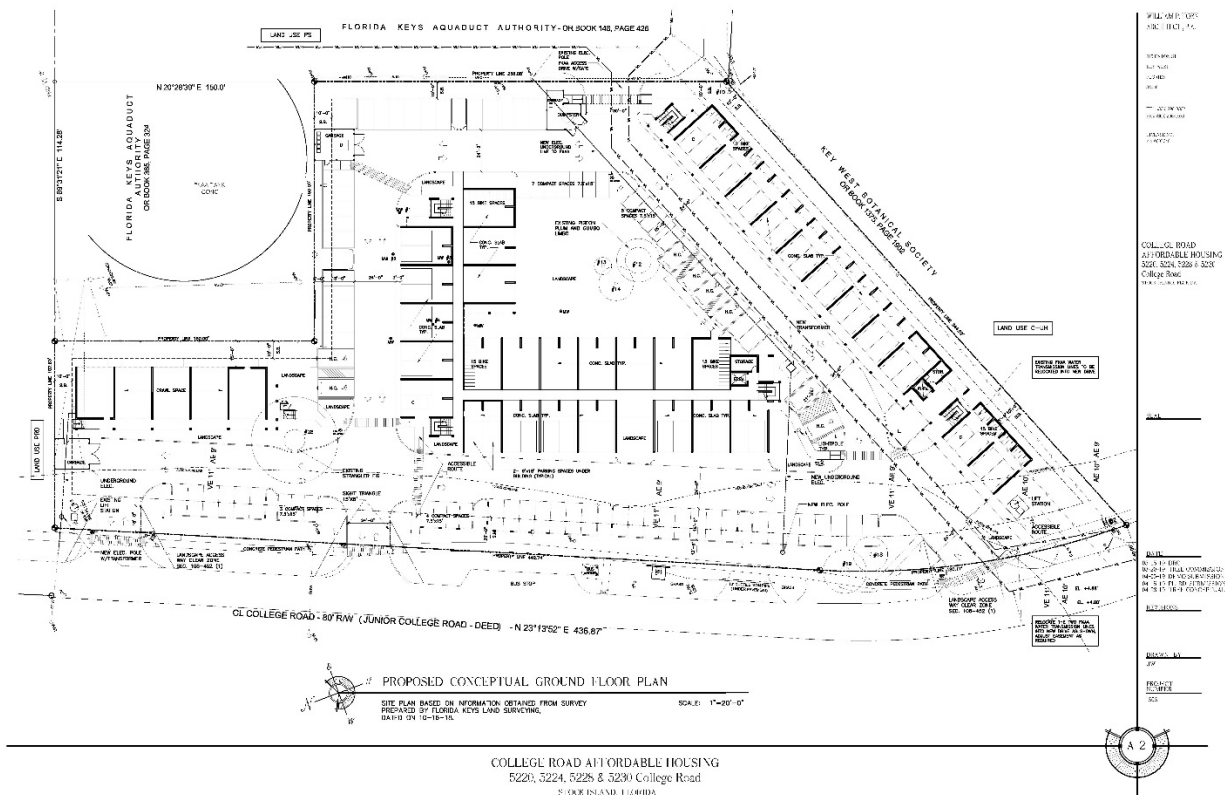


*Artist's rendering of the proposed project*

The project as proposed does not meet the minimum open space requirement of City Code Section 108-346 (b), the minimum off-street parking requirement of City Code Section 108-572, or the maximum allowable impervious surface of City Code Section 122-335 (4) b.

The following table summarizes the requested variances:

Project Data Summary				
Dimensional Requirement	Required/Allowed		Existing	Variance Required?
Zoning District	HDR-1			
Maximum Impervious Surface	60%		49.54% (57,481.48 SF)	77.9% (90,406 SF) <b>Yes (overage of 17.9%)</b>
Minimum Open Space	35% (Residential)		50.46% (58,543 SF)	22.1% (25,618.8 SF) <b>Yes (deficit of 12.9%)</b>
Off-Street Parking for Automobiles	Multiple-family outside of the historic district	2 spaces per dwelling unit 2 x 104 = 208	Unknown (Haphazard & partially nondelineated)	125 Total (95 standard-sized, 22 compact-sized, 8 accessible-sized) <b>Yes (deficit of 83 spaces)</b>



Architectural plan of the proposed conceptual ground floor plan

**Process:**

Planning Board Meeting: June 20, 2019  
Local Appeal Period: 10 days  
DEO Review Period: 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. The Planning Board, before granting a variance, must find all the following:

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 subject parcels were re-zoned and were granted a special height referendum by the Key West electorate for the purpose of constructing workforce affordable housing at a density higher than anywhere else within City boundaries. In addition, all of the units will be 1-bedroom with an assumed family size of two individuals (section 122-1472). However, the parking requirements for multiple family dwelling units does not contemplate the number of bedrooms or individuals a multiple family dwelling unit may have.

NOT 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 applicant is proposing to add one hundred and four (104) 1-bedroom residential dwelling units to the subject properties which will trigger a requirement for two hundred and eight (208) off-street parking spaces. The design will leave the subject parcels 77.9 percent impervious with 22.1 percent of open space. The conditions are generated from the specific actions initiated by the applicant.

NOT 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.***

Given that the four (4) parcels make up the entire zoning district, the granting of the variance requested will not confer upon the applicant any special privileges denied by the LDRs to other lands, buildings, or structures 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 HDR-1 zoning district allows up to forty (40) dwelling units per acre at a maximum height of 40-feet. Although the proposed project seeks to maximize these allowances in order to provide as many affordable units as possible, it exceeds (impervious surface) and underserves (open space, off-street parking) others.

NOT IN COMPLIANCE.

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 variances requested are not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are the minimum necessary to accommodate the request.

NOT 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 granting of the requested variance would not be injurious to the area involved and otherwise detrimental to the public interest.

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.*

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances 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 public objections as of the date of this report (June 5, 2019).

**RECOMMENDATION:**

Pursuant to Section 108-346 (b), residential uses shall provide a minimum of 35 percent open space.

Pursuant to Section 108-571, parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity by a change of use or the addition of dwelling units, transient units, floor area, seats, beds, employees, or other factors impacting parking demand.

Pursuant to Section 108-572 (2) b., two (2) off-street parking spaces shall be provided per multiple-family dwelling unit outside of the historic district.

Pursuant to Section 108-575 (5), whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity, or in any other manner so as to create a need for a greater number of parking spaces than that existing, such spaces shall be provided in accordance with this section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.

Pursuant to Section 122-335 (4) b., the maximum impervious surface ratio of the HDR-1 zoning district is 60 percent.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for a variance be **DENIED**.

However, if the Planning Board approves this request, staff would like to require the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the plans submitted by William P. Horn, P.A. No approval granted for any other work or improvements shown on the plans other than the proposed 104 1-bedroom residential dwelling units.
2. This variance approval is valid only if the major development plan is approved by the City Commission.
3. A residential parking permit program shall be implemented, maintained, and enforced.
4. All parking areas shall be used for automobile parking only, with no motor vehicles sales or any other sales activity, dead storage, nonemergency repair work, dismantling, or servicing of any kind.
5. All parking areas shall be paved to meet city standards and maintained in perpetuity. The paving plan shall be approved by the administrative official before construction is begun on any parking area. The owner or successor in ownership shall be responsible for perpetual maintenance. Parking lots shall be paved with concrete or asphalt or, upon approval of the city engineer, with other dust-free, porous materials.