

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

From: Kevin Bond, AICP, LEED Green Associate, Senior Planner

Through: Thaddeus Cohen, Planning Director

Meeting Date: July 7, 2015

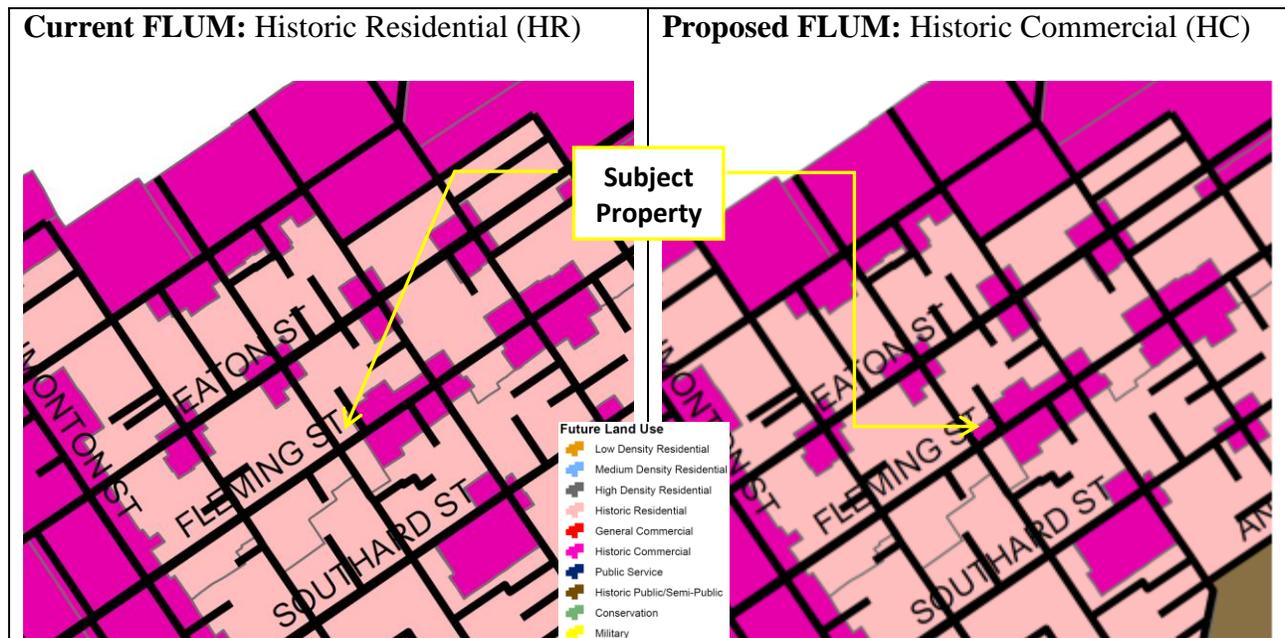
RE: **Future Land Use Map (FLUM) Amendment – 801-807 Fleming Street (RE # 00005930-000000; AK # 1006157)** – A request to amend the comprehensive plan future land use map (FLUM) category from Historic Residential (HR) to Historic Commercial (HC) on property located at 801-807 Fleming Street pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Request: A site-specific amendment to the comprehensive plan future land use map from Historic Residential (HR) to Historic Commercial (HC)

Applicant: Trepanier & Associates, Inc.

Property Owner: Tom Talomaa, 801 Fleming Street LLC

Location: 801-807 Fleming Street (RE # 00005930-000000; AK # 1006157)



Background:

The property, located at the northern corner of Fleming and William Streets, consists of two buildings each with a single-family residence according to Monroe County Property Appraiser records. The property is located within the historic district and the buildings are contributing structures built in 1889 and 1892 according to the City’s 2011 Historic Resources Survey. Historic uses of the property over the last 100 years include residential dwellings, stores, a restaurant, a grocery and a cigar factory according to Sanborn maps from 1892 to 1961. More recent uses of the property include residential and retail (1995-2008) and general service (1995-2001) based on City business tax receipts. The prior zoning of the property between 1985 and 1997 was HP-3, which was the light commercial historic preservation district.

Request / Proposed Map Amendment:

The applicant is requesting an amendment to the City’s Comprehensive Plan Future Land Use Map (FLUM) for the subject property. The current FLUM category is Historic Residential (HR). The proposed FLUM category is Historic Commercial (HC). Concurrent with the FLUM amendment, the applicant is also requesting an amendment to the City’s Official Zoning Map for the subject property. The current zoning is Historic Medium Density Residential (HMDR). The proposed zoning is Historic Neighborhood Commercial – Old Town NE & SE (HNC-2). If approved, the request would result in an expansion of the existing adjacent HC FLUM and HNC-2 Zoning District.

On May 21, 2015, the Planning Board reviewed the proposed FLUM amendment pursuant to City Code Section 90-556 and passed Resolution No. 2015-24 recommending approval to the City Commission.

Surrounding FLUM and Uses:

- North:** Historic Residential (HR), Single-family residential use
- South:** Historic Residential (HR), Multifamily residential and nonconforming hotel uses
- East:** Historic Commercial (HC), Multifamily residential use
- West:** Historic Residential (HR), Church and residential uses

Future Land Use Map (FLUM) Amendment Process:

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| Development Review Committee: | March 26, 2015 |
| Planning Board: | May 21, 2015 (Recommended approval) |
| If denied, then appeal may be filed within 10 calendar days. | |
| City Commission (1st Reading/Transmittal) | July 7, 2015 |
| Render to DEO | 10 working days |
| DEO Review | Up to 60 days |
| City Commission (2nd Reading/Adoption) | Within 180 days after ORC |
| Local Appeal Period: | 30 days |
| Render to DEO | 10 working days |
| DEO Review: | Up to 45 days |
| DEO Notice of Intent (NOI) | Effective when NOI posted to DEO website |

Analysis:

The purpose of Chapter 90, Article VI, Division 3 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) is to provide a means for changing the boundaries of the Future Land Use Map (FLUM) of the Comprehensive Plan (i.e., specific comprehensive plan amendment) consistent with Chapter 163 of the Florida Statutes (F.S.). It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Commission shall consider, in addition to the factors set forth in this division, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-556(a), the Planning Board, regardless of the source of the proposed change in the Comprehensive Plan, shall hold a public hearing thereon with due public notice as described in Code Chapter 90, Article VI, Division 3. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the Comprehensive Plan to the City Commission for official action. In its deliberations the Planning Board shall consider the criteria in Code Section 90-555.

Criteria for Approving Amendments to Comprehensive Plan Future Land Use Map pursuant to Code Section 90-555

In evaluating proposed changes to the Comprehensive Plan FLUM, the City shall consider the following criteria:

(1) *Consistency with plan.* Whether the proposal is consistent with the overall purpose of the Comprehensive Plan and relevant policies within the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Consistency with the overall purpose of the Comprehensive Plan

The City’s Comprehensive Plan (the “Plan”) was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City’s Plan:

- ❖ protects and maintain its natural, historic and cultural resources;
- ❖ preserves its community character and quality of life;
- ❖ ensures public safety, and;
- ❖ directs development and redevelopment in an appropriate manner.

The proposed FLUM amendment would not be inconsistent with the overall purpose of the Plan.

Consistency with relevant policies within the Comprehensive Plan

The proposed FLUM amendment would be consistent with the following relevant policies within the Comprehensive Plan:

- Policy 1-1.1.1: Planning Horizons.

- Policy 1-1.1.4: Affordable Housing and Compact Development Incentives.
- Policy 1-1.1.6: Historic Preservation Areas.
- Policy 1-1.2.1: Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use.
- Policy 1-1.2.2: Promote Orderly Land Use Transition.
- Policy 1-1.3.2: Designate Various Types of Mixed Use Commercial Nodes to Accommodate Diverse Commercial Uses.

Consistent with the adopted infrastructure minimum LOS standards and concurrency

The applicant's concurrency analysis concludes that the demand for some public facilities would increase and some would decrease. However, the small size of the property (0.10 acres) limits the maximum development potential, so any increased demand would be relatively small. Therefore, the projected impacts of the land uses allowed by the proposed FLUM amendment are not anticipated generate public facility needs that would trigger capital improvements.

(2) *Conformance with ordinances.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The conformity of the proposed FLUM amendment with all applicable requirements of the City Code is being evaluated herein. The submitted application contains all of the information requirement by Code Section 90-554 for FLUM amendments.

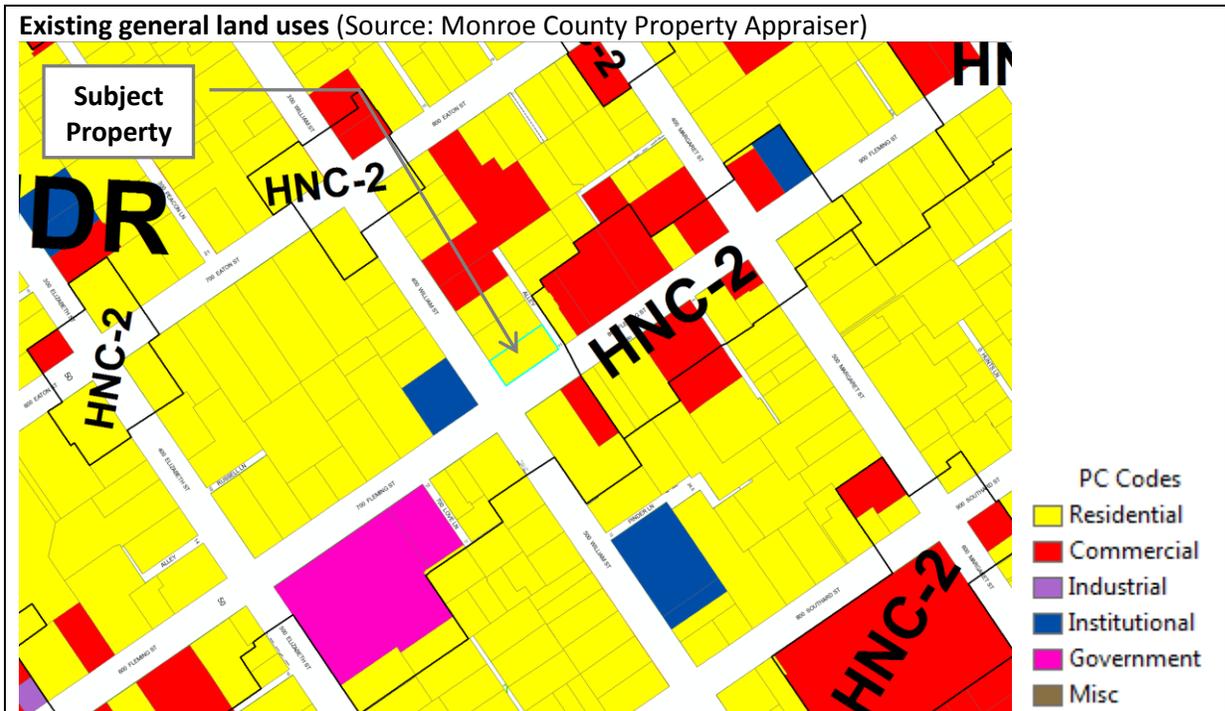
(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the Comprehensive Plan's effective date and whether such conditions support or work against the proposed change.

The Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013. The new Future Land Use Map maintained the residential FLUM category that the property has had since the 1994 Comprehensive Plan and the 1997 Land Development Regulations. Prior to that, the property was zoned HP-3, which allowed residential uses as-of-right and allowed commercial and institutional uses as a special exception (similar to a conditional use). The Sanborn maps document a historical mix of residential and commercial uses on the property. While land use and development conditions may not have changed much since the effective date of the 2013 Comprehensive Plan, the Plan does have policies that support expanding opportunities for mixed uses and reducing automobile dependency while promoting walkable communities.

(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

The property is currently used residentially, but there is documentation of prior commercial uses. The proposed HC FLUM and HNC-2 Zoning District would allow for mixed uses, but prohibit transient uses and bars that would potentially be incompatible with the surrounding land uses. The map below shows the general land uses of property within 300 feet of the subject property. Allowed uses within the proposed HNC-2 Zoning District are listed in Code Sections 122-837 and 122-838.

Pursuant to Code Section 122-836, the historic neighborhood commercial district (HNC-2) is restricted to small offices, neighborhood shops, restaurants with very limited seating, or other commercial uses similar in character to traditional neighborhood commercial services, which have very limited square footage and generate low volumes of traffic. In the future, in-fill within the HNC-2 district shall be strictly governed by performance criteria which ensures continued land use compatibility and stability within and among adjacent residential areas. The HNC-2 district mixed use subareas are comprised of both residential and commercial activities and shall continue to be allowed to develop as mixed use neighborhood centers. Qualitative and quantitative performance criteria shall be used to prevent encroachment by incompatible commercial uses characterized by excessive scale and intensity.



- (5) ***Adequate public facilities.*** Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to a concurrency determination pursuant to Code Chapter 94.

The applicant’s concurrency analysis concludes that the demand for some public facilities would increase and some would decrease. However, the small size of the property (0.10 acres) combined with the existing historically-contributing structures means that the any increased demand on public facilities would be relatively small. Therefore, the proposed FLUM amendment is not anticipated to result in the capacity of any public facilities being exceeded.

(6) *Natural environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The property does not contain any wetlands or groundwater aquifers. Any impacts on vegetative communities would be reviewed and mitigated at the time of a proposed development. The proposed FLUM amendment is not expected to result in adverse impacts on the natural environment.

(7) *Economic effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

The taxable values of property within residential zoning districts is comparable to the taxable values of property within mixed use neighborhood commercial zoning districts in the area. The proposed FLUM amendment is not expected to adversely affect the property values in the area or the general welfare.

(8) *Orderly development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The proposed FLUM amendment would result in the extension of an existing area within the HC FLUM category, rather than create an isolated parcel with this designation. There is documentation of historic commercial and residential uses of the subject property over a 100+ year span of time. Orderly future development of the property would be ensured through the application of the City's LDRs and the historic district design guidelines.

(9) *Public interest; enabling act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this subpart B and its enabling legislation.

The proposed FLUM amendment would not be in conflict with the public interest, and would be in harmony with the purpose and interest of the LDRs.

(10) *Other matters.* Other matters which the planning board and the city commission may deem appropriate.

The main result of the proposed FLUM amendment and the related zoning map amendment would be opening up the possibility of limited commercial uses on the subject property, such as business and professional offices, commercial retail, medical services, restaurants and veterinary medical services without outside kennels; all of which are currently prohibited by the existing FLUM and zoning. Hotels, motels, transient lodging, bars and lounges are prohibited within the proposed zoning district.

Options / Advantages / Disadvantages:

Option 1: Approve the proposed FLUM amendment on property located at 801-807 Fleming Street from Historic Residential (HR) to Historic Commercial (HC).

1. Consistency with the City's Strategic Plan, Vision and Mission:

The approval of FLUM amendments is not discussed in the Strategic Plan. However, the proposed FLUM amendment would not be inconsistent with the vision and mission of the Strategic Plan.

2. Financial Impact:

There would be no direct financial impact to the City if the proposed FLUM amendment is approved. However, it is possible that business and property taxes could increase.

Option 2: Deny the proposed FLUM amendment on property located at 801-807 Fleming Street from Historic Residential (HR) to Historic Commercial (HC).

1. Consistency with the City's Strategic Plan, Vision and Mission:

The denial of FLUM amendments is not discussed in the Strategic Plan. However, the proposed FLUM amendment would not be inconsistent with the vision and mission of the Strategic Plan.

2. Financial Impact:

There would be no direct financial impact to the City if the proposed FLUM amendment is denied. The City would continue to collect business and property taxes based on the allowed uses of the property's current FLUM.

RECOMMENDATION: Option 1.

The Planning Board and staff, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends Option 1 to the City Commission that the request to amend the Comprehensive Plan Future Land Use Map (FLUM) be **APPROVED**.