



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, Planner I

Meeting Date: September 17th, 2020

Agenda Item: **Text Amendment of the Comprehensive Plan** - A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending Comprehensive Plan Policy 1-1.1.4, entitled "Affordable Housing and Compact Development Incentives," to add a revised FLUM, amending Comprehensive Plan Table 1-1.1.5, to add an additional subdistrict under Historic Commercial Future Land Use District, and amending Comprehensive Plan Policy 1-1.1.9, entitled "Allowed Uses in Historic Neighborhood Commercial," to add a fifth corridor and a fourth HNC subdistrict to allow for up to 40 dwelling units per acre; pursuant to Chapter 90, Article VI, Division III; providing for repeal of inconsistent provisions; providing for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

Request: The proposed ordinance to amend the City's Comprehensive Plan is an essential part of an effort to encourage the redevelopment of vacant City-owned properties and mixed-use development to include high density mixed income housing including affordable work force housing. The Planning Board is hearing this Comprehensive Plan text amendment and a text amendment to the Land Development Regulations (the "LDRs") in order to create a new zoning district, to be named the Historic Neighborhood Commercial District Bahama Village Truman Waterfront (HNC-4), which will allow for high- density mixed income and deed-restricted affordable housing at forty (40) dwelling units per acre and neighborhood oriented non-residential uses.

Applicant: City of Key West

Background:

The proposed ordinance to amend the City's Comprehensive Plan is an essential part of an effort to encourage the redevelopment of vacant City-owned properties in the Bahama Village community. The proposal is designed to encourage mixed-use development as well as high density mixed income housing including affordable workforce housing. The Land Development Regulations of The City of Key West define workforce housing as deed restricted housing required to be 30% of the aggregate total of all market rate units proposed on any one site. Affordable work force housing shall include low income, median income, moderate income and middle-income housing, per Section 86-9. The Planning Board is hearing this

Comprehensive Plan amendment and an amendment to the Land Development Regulations (LDRs) in order to create a new zoning district, to be named the “Historic Neighborhood Commercial District Bahama Village Truman Waterfront - 4” (HNC-4), which will allow for high-density mixed-income and affordable workforce housing at forty (40) dwelling units per acre and neighborhood oriented non-residential uses.

The Bahama Village Redevelopment Advisory Committee (BVRAC) approved the Bahama Village Visioning and Capital Projects Workplan on August 10, 2017, it was adopted by the Bahama Village Community Redevelopment Agency (CRA) on January 17, 2018. The workplan lists seven (7) recommended capital projects. Capital project four (4) recommends an affordable housing and mixed-use development on a 3.2-acre portion of the 5.57-acre parcel at 918 Fort Street. The recommended project is a critical prioritization for the Committee, the Agency, and the City.

The proposed ordinance to amend the City’s Comprehensive Plan was previously passed by the Planning Board and has been transmitted to the Department of Economic Opportunity (DEO) by the Key West City Commission after the first reading of the proposed ordinance. The DEO responded with comments regarding how the City will ensure the new zoning district will encourage the development of affordable housing. In response, the City has added a caveat to the Intent section of the proposed ordinance to amend the City’s Land Development Regulations for HNC-4 stating the following: “The HNC-4 district shall accommodate mixed use development to include high density mixed-income and affordable workforce housing at 40 dwelling units per acre. At least 30% of any new multi-family development shall be deed-restricted affordable workforce housing pursuant to Section 122-1467 requirements for affordable workforce housing, however, linkage exceptions shall not be permitted for mixed-use or multi-family developments within this district.”

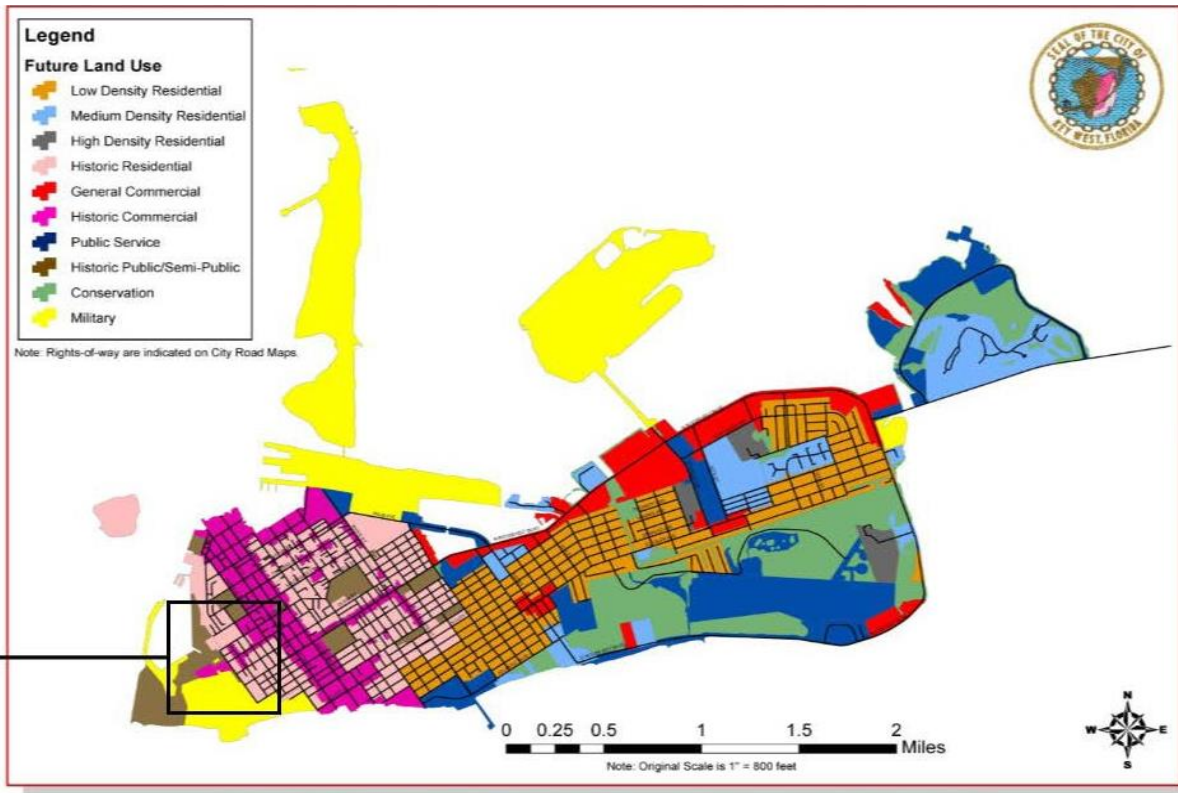
Request / Proposed Map Amendment:

Policy 1-1.1.4: - Affordable Housing and Compact Development Incentives.

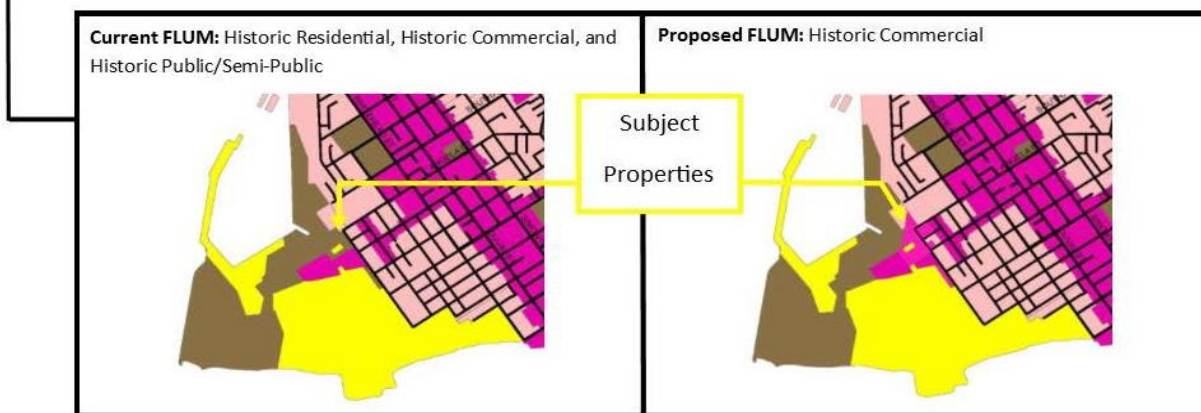
Within land use categories supporting mixed use development, the Land Development Regulations shall include density and intensity bonuses that fall within the parameters of the Comprehensive Plan and Future Land Use Map to achieve the following objectives: provision of affordable housing immediately adjacent to employment opportunities; reduction in dependence on automobile travel for home/work travel; provision of a range of housing types, inclusive of apartments, townhouses, efficiencies, and single room occupancies; establishment of a variety of retail uses to support onsite or adjacent residential uses; provision of sufficient density of residential uses and presence of retail commercial to support transit demand; support of redevelopment of aging, traditional suburban shopping center retail; provision of open space and recreational uses within or immediately adjacent to the mixed use complex; provision of immediate access to and support of bicycle path networks in the City; increased efficiency of energy and water use; increased solid waste diversion; increased stormwater harvesting; decreased inappropriate water use, and; creation of opportunities to provide substantial new landscaping, parking and housing/retail areas to reduce carbon footprints and support sustainability goals.

Table 1-1.1.5

In order to prevent an inadvertent increase in maximum density or intensity that might result from combining multiple zoning districts into a single Future Land Use District, the maximum number of dwelling units per acre and floor area ratio are established as of January 1, 2012. Social service special needs and group homes shall be measured in FAR, not units per acre.



CITY OF KEY WEST - 2030 FUTURE LAND USE MAP



This same map in more detailed format is available at City Planning Department offices.

Table 1-1.1.5

In order to prevent an inadvertent increase in maximum density or intensity that might result from combining multiple zoning districts into a single Future Land Use District, the maximum number of dwelling units per acre and floor area ratio are established as of January 1, 2012. Social service special needs and group homes shall be measured in FAR, not units per acre.

| HISTORIC COMMERCIAL FUTURE LAND USE DISTRICT | | | |
|--|---|----------------------------|--|
| Zoning District | Density | Intensity | Uses & Limitations |
| (HNC) Historic Neighborhood Commercial | Maximum 16 dwelling units per acre. | Maximum of 1.0 FAR. | Allowable uses in areas zoned HNC are in accordance with Policy 1-1.1.9. |
| (HNC-1) Historic Neighborhood Commercial | | Maximum of 1.0 FAR. | |
| (HNC-2) Historic Neighborhood Commercial | | Maximum of 0.9 FAR. | |
| (HNC-3)Historic Neighborhood Commercial | | Maximum of 0.8 FAR. | |
| <u>(HNC-4) Historic Neighborhood Commercial Bahama Village Truman Waterfront</u> | <u>Maximum of 40 dwelling units per acre.</u> | <u>Maximum of 1.0 FAR.</u> | <u>Affordable housing is required per Section 122-1467 of the Land Development Regulations. Linkage exceptions shall not be permitted.</u> |

The above table is an excerpt of Table –1-1.1.5 containing the proposed Comprehensive Plan Amendment

Comprehensive Plan Amendment Process:

- Planning Board Meeting: September 17th, 2020
- City Commission (2nd Reading / Adoption): October 6th, 2020
- 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 site

Analysis:

The purpose of Chapter 90, Article VI, Division 2 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 text of the Land Development Regulations. 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 Planning Board and the City Commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-552 the Planning Board, regardless of the source of the proposed change in the LDRs, shall hold a public hearing thereon with due public notice. 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 LDRs to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-521.

90-520 (6) Justification. The need and justification for the proposed change. The evaluation shall address but shall not be limited to the following issues:

- a. **Comprehensive Plan consistency.** Identifying impacts of the proposed change in zoning on the Comprehensive Plan. The zoning should be consistent with the Comprehensive Plan.

Objective 1-1.2.1: Plan and Design for Residential Quality. Sufficient space shall be provided for residential development and required community facilities to adequately meet the housing needs of the present and expected future population. Residential development shall be planned and designed to create and perpetuate stable residential neighborhoods and implement the policies stipulated below.

The proposed change to the Comprehensive Plan will create a new zoning district to allow for high-density, mixed-income development including affordable workforce housing. A portion of the proposed zoning district is within an area where residential development is limited to single-family and two-family dwellings and permitted only through the conditional use process (HCL zoning district). The amendments to the Comprehensive Plan will provide space for residential development and community facilities to meet the housing needs of the expected future population.

Objective 1-1.3: Allocating Commercial Development. Land area shall be designated to accommodate a variety of commercial uses. The City shall promote the image, function, architecture, and ambiance of the Historic Preservation Commercial Core District as the City's center for commerce as well as civic and cultural enrichment. In this pursuit the City shall preserve and enhance the identity, design, and vitality of the District.

The newly created district would accommodate a variety of commercial uses: business and professional offices, low-intensity commercial retail, and medical services. In addition, under the conditional use process, it would allow for medium-intensity commercial retail, restaurants, and veterinary medical services. Several of these uses would not be permissible under the current zoning designations of HMDR, HCL, HPS-1, and HNC-2.

Objective 1-1.6: Integrate Former Military Sites: Ensure that the integration of former military land provides for long-term, sustained, economic growth consistent with the community's vision for the City of Key West, as follows:

1. Provide meaningful integration of the sites into the community fabric;
2. Help diversify the economy;
3. Encourage balanced growth in the area's economy, including commercial and service sector job growth;

4. Provide employment opportunities for the region's unemployed and underemployed persons;
5. Strengthen the local tax base
6. Help existing business and industries expand;
7. Help small businesses develop;
8. Provide affordable housing for Key West residents;
9. Provide public recreation and access opportunities, especially on the waterfront;
10. Provide opportunities for port, harbor and marina improvements;
11. Facilitate improvements and provide physical and economic links to Bahama Village;
12. Ensure environmental sensitivity and efficient resource use;
13. Provide opportunities for social services and special needs facilities.

Portions of the proposed district are former military land, granted to the City of Key West through a quit claim deed, recorded with the County, book # 1839, page # 410. The amendment to the Comprehensive Plan will allow a meaningful integration of the sites into the community fabric by providing affordable and mixed-income housing for Key West residents, employment opportunities for the region's unemployed and underemployed persons, a strengthening of the local tax base, and an encouragement of a balanced growth in the area's economy, including commercial and service sector job growth. It will also allow the city to plan for better pedestrian and bicycle connectivity between Bahama Village and the Truman Waterfront Park.

Policy 1-1.6.4: Truman Waterfront Organizing Elements: All new development and redevelopment within the Truman Waterfront Parcel shall be consistent with the following key organizing elements:

1. Recreation and open space linked through landscaped multimodal green ways and view corridors with multiple access points connecting the large park and recreational area on the northwestern portion of the site.
2. Uninterrupted public access to the waterfront through a wide promenade along the full length of the harbor.
3. Landscaped and hardscaped areas which are well-lit and designed to provide a safe area for use by a diverse mix of recreational users.
4. Affordable housing, neighborhood retail and social service uses which function as an extension of the neighborhood fabric of Bahama Village.
5. Educational and historical activity nodes.
6. Expanded use of the portions of the Truman Waterfront property for port activities.
7. Multiple ingress/egress points into the Truman Waterfront property.
8. High profile green design and livability principles, including but not limited to the International Dark Sky Association, the National Complete Streets Coalition, and highest-level green building certifications.

The proposed Comprehensive Plan amendment will allow for redevelopment within the Truman Waterfront Parcel to contain mixed use, high-density mixed income housing, affordable workforce housing, neighborhood retail, and social services that will function as an extension of the neighborhood fabric of Bahama Village.

- b. Impact on surrounding properties and infrastructure. The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure.

The current zoning of the subject parcels is a mix of HPS-1, HCL, HMDR, and HNC-2. The table below outlines the existing permitted (“P”) and conditional (“C”) uses of the current zoning designations and the proposed permitted and conditional uses for the proposed HNC-4 zoning district.

| | HPS-1 | HCL | HMDR | HNC-2 | HNC-4 |
|--|-------|-----|------|-------|-------|
| Single-family dwellings | | C | P | P | P |
| Two-family dwellings | | C | P | P | P |
| Multiple-family dwellings | | | P | P | P |
| Foster homes/group homes with ≤ to 6 residents | | | P | P | P |
| Group homes with 7-14 residents | | | C | C | C |
| Community centers, clubs and lodges | P | | | | C |
| Cultural and civic activities | P | | C | C | C |
| Educational institutions and day care facilities | | | C | C | C |
| Nursing homes, rest homes and convalescent homes | | | C | C | C |
| Parks and recreation, active | P | | C | P/C | P |
| Parks and recreation, passive | P | | C | P/C | P |
| Places of worship | | | C | P | C |
| Protective services | P | | C | C | C |
| Public and private utilities | | C | C | C | C |
| Business and professional offices | P | P | | P | P |
| Commercial retail | P | P | | P/C | P/C |
| Medical services | | | | P | P |
| Parking lots and facilities | P | | C | P | P |
| Restaurants, excluding drive-through | | P/C | | C | C |
| Veterinary medical services, without outside kennels | | | | P | C |

Table of land uses by districts.

Land use incompatibilities are not anticipated with the proposed permitted uses. Conditional uses would 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.

Any public facility needs generated by the proposed change in land use shall be met concurrent with the impacts of development and the adopted level of service criteria shall be met.

c. Avoidance of special treatment. The proposed change shall not constitute a spot zone change. Spot zoning occurs when:

1. A small parcel of land is singled out for special and privileged treatment:
The proposed change involves 11 parcels totaling approximately 6.635 acres, or 289,029-square-feet of land.

2. The singling out is not in the public interest but only for the benefit of the landowner.
The proposed change will allow for the development of mixed income housing and affordable workforce housing, a critical need of the community. It will also allow for the redevelopment of the abandoned and underused diesel plant parcels and it will allow for a neighborhood oriented low-cost medical clinic.
3. The action is not consistent with the adopted comprehensive plan.
The proposed amendment would be consistent with the adopted Comprehensive Plan, particularly with objectives 1-1.2.1, 1-1.3, and 1-1.6, and policy 1-1.6.4.

d. Undeveloped land with similar comprehensive plan future land use map designation. The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested shall be stated.

The proposed change involves the creation of an entirely new district, therefore, no undeveloped land in the general area and in the city has the same zoning classification as requested.

Criteria for Approving Amendments to the LDRs pursuant to Code Section 90-521 and 90-

522 (a). In evaluating proposed changes to the LDRs, the City shall consider the following criteria:

- (1) **Consistency with plan. Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

Consistency with the Comprehensive Plan

The City's Comprehensive 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 maintains 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 amendment would be consistent with the overall purpose of the Comprehensive Plan, particularly objectives 1-1.2.1, 1-1.3, and 1-1.6, and policy 1-1.6.4.

Consistent with the adopted infrastructure minimum level of service standards and the concurrency management program

The proposed amendment would be consistent with the adopted infrastructure minimum level of service (LOS) standards and the concurrency management program.

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

The proposal is in conformance with all applicable requirements of the Code of Ordinances.

- (3) **Changed conditions.** Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations and whether such conditions support or work against the proposed rezoning.

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the years, the Comprehensive Plan and LDRs have been amended from time-to-time. A new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013.

The proposed ordinance to amend the City's Comprehensive Plan is an essential part of a collaborative effort by the City Commission and City staff to encourage the development of mixed-income development including affordable workforce housing. The amendment will also allow for the redevelopment of vacant and underused parcels. The proposed ordinance is joined by a proposed ordinance to amend the Comprehensive Plan. The City received additional parcels through BVRAC that will assist in the future development of the Bahama Village area.

- (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.

Land use incompatibilities are not anticipated with the proposed permitted uses. Conditional uses would 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.

- (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. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to Chapter 94.

The extent to which the proposal would have on demand on public facilities and services cannot be determined at this time as no development plans are a part of this proposal. All applications for development will be required to complete a concurrency determination pursuant to chapter 94 of the Land Development Regulations.

- (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.

Any impacts on vegetative communities and the natural environment would be reviewed and mitigated at the time of a proposed development. The proposed map amendment is not expected to result in adverse impacts on the natural environment. Portions of this land were formally military and industrial sites. The proposed rezoning and eventual redevelopment would likely serve to improve the existing area and any possible contamination.

- (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 proposal would not adversely affect the property values in the area or the general welfare. The proposal would potentially increase property values in the area.

- (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 proposal would result in an orderly and compatible land use pattern by allowing for neighborhood-oriented uses: residential dwellings, group homes with 6 or fewer residents, business/professional offices, low-intensity retail, medical services, parks/recreation, and parking lots/facilities. Only after conditional use review and approval will the following uses be permitted: group homes of seven to fourteen residents, cultural and civic activities, educational institutions and day cares, nursing homes/rest homes/assisted living facilities/convalescent homes, protective services, public and private utilities, medium intensity retail, restaurants, places of worship, community centers/clubs/lodges, and veterinary medical services.

Uses that may negatively impact to the neighborhood character would be prohibited (i.e., transient lodging, bars and lounges, gasoline stations, restaurants with drive-through, and high-intensity retail, etcetera).

- (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 the land development regulations in this subpart B and the enabling legislation.

The proposed amendment to the Comprehensive Plan would not be in conflict with the public interest and it is in harmony with the purpose and interest of the Land Development Regulations.

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

According to the Monroe County Property Appraiser, the total land area of the proposed zone is 6.635 acres, or 289,029-square-feet. The new zone will allow for the future development of mixed income development including affordable workforce housing and the redevelopment of abandoned or underused public parcels.

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 to amend the Comprehensive Plan Table 1-1.1.5 be **APPROVED**.