



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Zoe Porter, Planner I

Meeting Date: October 25, 2022

Agenda Item: **Text Amendment of the Land Development Regulations** – A resolution of the City of Key West Planning Board recommending an ordinance to the City Commission to amend Chapter 108 of the Land Development Regulations, entitled “Planning and Development”, Article XII entitled “Workforce-Affordable Housing Initiative”, Section 108-1153 entitled, “Period of allocation and distribution”, to provide for building permit allocation system units for the property at 907 Caroline Street (RE#00072082-004505); providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Request: The proposed ordinance to amend the City’s Land Development Regulations is an effort to encourage the construction of four (4) Affordable-Early Evacuation Pool units on a City- owned property. The Planning Board is hearing this Land Development Regulation (the “LDRs”) text amendment and associated text amendments to the Comprehensive Plan in order to set aside four (4) workforce-affordable early evacuation pool Building Permit Allocations (BPAS) for the City-owned parcel known as 907 Caroline Street (RE#00072082- 004505).

Applicant: City of Key West



Background:

The proposed ordinance to amend the City of Key West Land Development Regulations permits four (4) workforce-affordable early evacuation units to be set aside for the property addressed 907 Caroline Street, located within the Historic Residential Commercial Core – Key West Bight District (HRCC-2) zoning district. The proposed ordinance encourages the redevelopment of existing City-owned property and allows for the right to construct four workforce-affordable early evacuation housing units at 907 Caroline Street. As it stands today, the subject property is utilized as commercial space and adjoins other City-owned properties, including the City of Key West Port and Marine Services Department. If the four affordable workforce housing units are approved for allocation, the property will be managed onsite by the City’s Marine Services Department.

Single-family, two-family, and multiple-family residential dwellings are a permitted use within the HRCC-2 zoning district. Properties within this zoning district are allowed a maximum density of 40 units per acre if all units are deed restricted by the owner or developer as work force affordable residential units. Additionally, the proposed units would not conflict with the required 100 foot mean high water line setback required in the HRCC-2 zoning district.

The proposed ordinance to amend the City’s Land Development Regulations implements Comprehensive Plan Goals, Objectives, and Policies and the City’s Strategic Plan priority to provide deeply needed workforce housing units. These workforce housing units are critical for City employees whose services are critical for the functioning of the City at large. The City recognizes the workforce-affordable early evacuation units are available for allocation on a first-come, first-served basis, and may be distributed at any time following adequate public notice and hearing procedures.



Street View of Subject Property

Request / Proposed Amendment: **Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.*

Sec. 108-1153. Period of allocation and distribution.

Workforce-affordable early evacuation allocations shall be available for allocation on a first come, first served basis, and distributed at any time following adequate public notice and hearing procedures. In the event applications received by the City exceed the allocations authorized herein, the competing applications shall be ranked in accordance with the BPAS ranking procedures in section 108-997(c).

The City of Key West shall transfer one hundred fifty (150) previously unallocated Affordable – Early Evacuation Pool units to the School Board of Monroe County, Florida, for affordable housing development at the property commonly known as 240 and 241 Trumbo Road, Key West, Florida. Transfer of the aforementioned units shall be contingent on receipt of a sufficient number of Affordable – Early Evacuation Pool or equivalent affordable units by the City of Key West. All development associated with these 150 units shall be reviewed and approved as per City of Key West Land Development Regulations, notably Chapter 108, Article II. – Development Plan. The School Board of Monroe County, Florida, shall provide recorded Declarations of Affordable Housing Restrictions for these units acceptable to the City of Key West prior to the issuance of certificates of occupancy by the City. In the event building permits to construct affordable housing at 240-241 Trumbo Road have not been issued on or before June 30, 2026, these Affordable – Early Evacuation Pool units shall be released to the City of Key West and shall be re-allocated only for affordable housing purposes within the City of Key West limits. All units transferred under this policy shall be considered as contributing to the minimum affordable housing allocation of Section 108-995. All development associated with these Affordable-Early Evacuation Pool units shall be in compliance with this Article; the School Board shall timely submit annual progress reports to the City to comply with Section 108-1157.

The City of Key West shall transfer four (4) Affordable – Early Evacuation Pool allocation units to the property addressed 907 Caroline Street (RE #00072082-004505) for the development of affordable workforce housing. All development associated with these 4 units shall be reviewed and approved as per City of Key West Land Development Regulations and in accordance with this Article.

(Ord. No. 19-05, § 1, 3-5-2019)

**Coding: Added language is underlined; deleted language is struck through at first reading.*

Land Development Regulations Text Amendment Process:

Planning Board Meeting:	October 25, 2022
City Commission (1st Reading):	TBD, 2022
Local Appeal Period:	30 days
DEO Review (1st Reading):	Up to 60 days
City Commission (2nd Reading / Adoption):	TBD, 2023
Local Appeal Period:	30 days
DEO Review (2nd Reading):	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 hardships nor to confer special privileges or rights to 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 the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-552, the Planning Board 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.

The Code provides the following criteria by which LDR amendments must be evaluated:

Section 90-520 (6) Justification. The need and justification for the proposed change shall be stated. 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 must be consistent with the Comprehensive Plan.***

The proposed amendment will support and further implement the Comprehensive Plan objectives and policies listed below. The proposed text amendment to the Land Development Regulations is the same language as the proposed Comprehensive Plan text amendment. As such, the Comprehensive Plan consistency review provided in the companion staff report is included by reference here as well.

- *Objective 1-1.17: Workforce-Affordable Housing Initiative.*
- *Objective 3-1.1: Provide Quality Affordable Housing And Adequate Sites For Low And Moderate Income Housing.*
- *Policy 3-1.1.3: Ratio of Affordable Housing to Be Made Available City-Wide.*
- *Policy 3-1.1.11: Selecting Sites for Affordable Housing for Low and Moderate Income Households.*
- *Policy 8-1.1.3.: Principles and Guidelines to be used in Coordination of Development and Growth Management Issues.*
- *Goal 3-1: - Housing.*

Additionally, the proposed amendment will support and further implement *Appendix A, The City’s Chapter 1. – Affordable Needs Analysis* and the *City’s Chapter 3: - Housing Element of the Comprehensive Plan*, as well as allow compliance with Section 108-1154(4) of the Land Development Regulations.

- 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 effect of this amendment permits four workforce affordable early evacuation allocation units to be awarded to property at 907 Caroline Street (RE #00072082-004505). This residential density is permitted within the Historic Residential Commercial Core – Key West Bight (HRCC-2) zoning district for this property. Adjoining properties are owned by the City of Key West and are commercial oriented.

The four proposed units will be developed in compliance with the City of Key West Land Development Regulations, which includes limitations on building height, setbacks, and other site features. In addition, architecture and site design will be

reviewed by the Historic Architecture Review Commission and Historic Preservation staff to ensure development is in accordance with the City's adopted historic district guidelines. Therefore, surrounding properties will be afforded the same protections as any other property within this zoning district.

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 amendment to the LDRs will not affect the zoning of the parcel nor the zoning of any other parcels elsewhere in the City.

2. The singling out is not in the public interest but only for the benefit of the landowner.

The proposed change does not affect the City's official zoning map, nor the City's future land use map. The proposed amendment will allow for the development of affordable workforce housing, a critical need of the community. The proposed amendment is directly within public interest.

3. The action is not consistent with the adopted comprehensive plan.

The proposed amendment would be consistent with the adopted Comprehensive Plan, particularly with the objectives, policies, and goal listed above.

b. 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.

Undeveloped land and vacant properties are subject to unit allocations from the Beneficial Use pool. The proposed development involves allocation of affordable-workforce early evacuation units on a City-owned parcel that has an existing structure that has previously been utilized as commercial retail. Owners of land with similar land use designation may apply for BPAS or Beneficial Use units (vacant properties).

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 Land Development Regulations be **APPROVED**.