

EXECUTIVE SUMMARY



To: Bogdan Vitas, City Manager
From: Nicole Malo, Planner II
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: June 17, 2014

RE: **Zoning Map Amendment. 625 South Street (RE# 00038140-000000; AK# 1038890)** - An Ordinance of the City of Key West amending the Official Zoning Map for property located at 625 South Street for a non-conforming existing hotel property currently zoned Historic Residential Office (HRO) proposed to be rezoned Historic Commercial Tourist (HCT) per Section 90-521 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Consistency with the Strategic Plan:

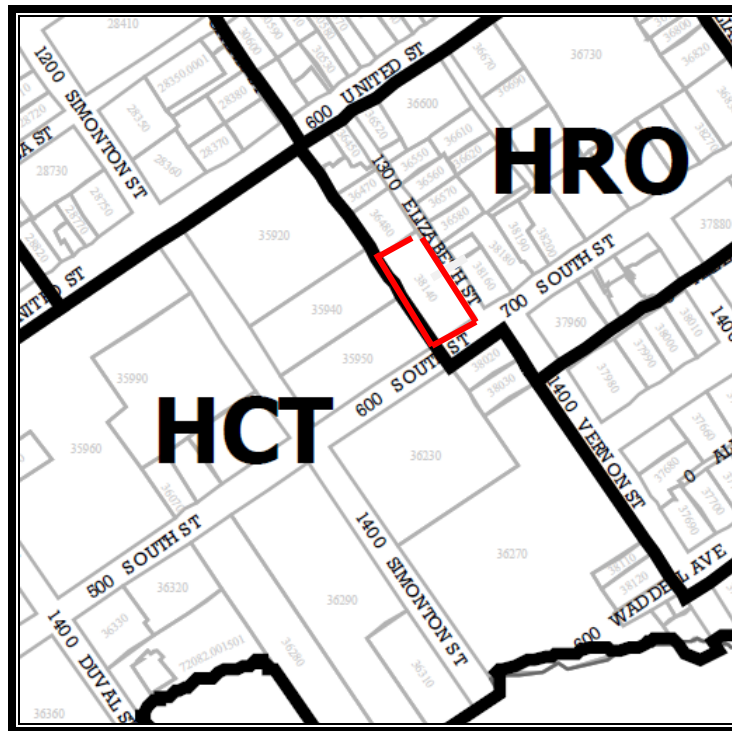
The proposed zoning map amendment is consistent with Goal #2 of The Environment request consistency with the Comprehensive Plan and Land Development Regulations. This proposal is consistent with both.

BACKGROUND:

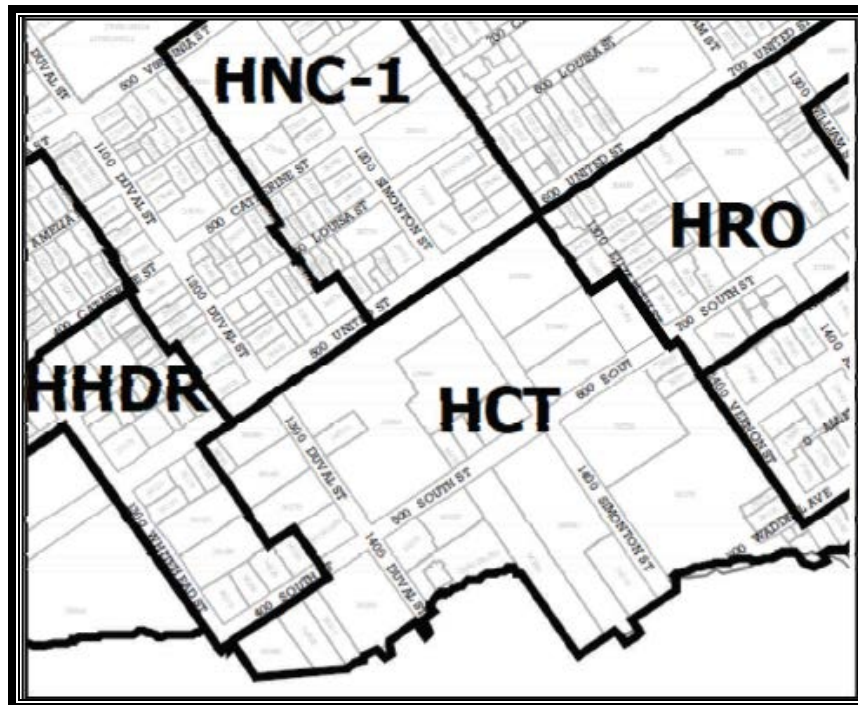
On May 15, 2014, the Planning Board heard the proposed map amendment. A few neighbors spoke about noise and traffic impacts that exist in their neighborhood and voiced concern that the property may in the future be redeveloped. It is unknown whether the existing Motel is responsible for the traffic impacts; although, the property is not proposed for redevelopment at this time. The public comments received by the Planning Department After listening to their concerns, the Planning Board recommended approval of the proposed zoning map amendment without conditions through Resolution 2014-29 (attached).

The property proposed for rezoning is located at 625 South Street within the Historic Residential Office (HRO) and immediately adjacent to the Historic Commercial Tourist (HCT) zoning district. The property is a licensed 15 unit Motel, built in the 1950's, known as Ocean Breeze Inn, the use is non-conforming to the zoning district. The property is within the Historic Commercial (HC) Future Land Use District and is eligible for a zoning map amendment request within that land use category as it is immediately adjacent to the requested zoning district. Transient uses are allowed uses within the HCT zoning district and the rezoning of the property would bring the existing use of the property into compliance with land use regulations.

The existing zoning map of the area is as follows with the parcel in question highlighted in red:



The proposed amendments for the official zoning map will appear as follows:



Previous City Actions:

DRC Meeting: February 27, 2014

Planning Board Meeting: May 15, 2014

Planning Staff Analysis:

Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

Sec. 90-522. Planning Board review of proposed changes in land development regulations. (a) The planning board, regardless of the source of the proposed change in the land development regulations, 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 of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.

The City Planning Department has worked together with other city departments to review the proposed zoning map amendment. The Building Official reviewed the request as part of the DRC on February 27, 2014 and had no comments. This report was prepared in support of procedural review criteria in the Code and for Planning Board consideration.

Sec. 90-521. Criteria for approving amendments to official zoning map.

In evaluating proposed changes to the official zoning map, 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.

The proposed zoning map changes are consistent with related Goals, Objectives and Policies in the Future Land Use (FLU) Element and Future Land Use (FLU) Map of the Comprehensive Plan for the HC FLU District and the HCT zoning district. The property and its uses are existing and no changes are proposed to the site that will affect concurrency.

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

The proposed ordinance is in conformance with the Code and the procedures for amending the Official Zoning Map and is not in conflict with other parts 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 changes support or work against the proposed rezoning.

Land use and development conditions for or around this property have not changed. The zoning for the property created sometime in the 90's created the non-conforming use that can only now be amended as a result of bringing the Comprehensive Plan and Future Land Use Map into compliance.

(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 proposed Map amendment Other customary land uses found in residential districts such as parks and recreation, parking lots, educational institutions and nurseries, utilities and cultural activities have been determined to be higher impact uses are only allowed conditionally and therefore, must obtain Planning Board approval to determine land use compatibility. Therefore, the proposed LDR's are compatible with surrounding land uses.

(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.

There is no new development associated with this map amendment as previously stated. Therefore, there is no negative impact on public facilities that will result as part of this amendment. Although the density is greater within the HCT zoning district (22 du/acre v. 16 du/acre in the HRO) the property is nonconforming to density and no additional units are allowed to be developed on the site.

(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 site proposed for rezoning is not considered environmentally sensitive or currently zoned as conservation land. The proposed zoning regulations have no impact 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 proposed zoning map amendment will bring the property into compliance with Code. No changes in use are proposed and the proposal will not negatively affect the property values or 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 LDR's will support an orderly and compatible land use pattern consistent with that which currently exists. No spot zoning is proposed.

(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 map amendment will bring the existing non-conforming use of the property into compliance with the Code and is compatible with the surrounding land uses. The map change is not in conflict with the public interest and will further the intent of the Comprehensive Plan and Land Development Regulations.

(10) *Other matters.* Other matters which the Planning Board and the City Commission may deem appropriate.

Other matters have not been identified at this time.

Options/Advantages/Disadvantages:

Option 1: Approve the request to rezone property located at 625 South Street from Historic Residential Office to Historic Commercial Tourist.

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

The approval of the request to rezone the property is not discussed in the strategic plan vision and mission; although, the rezoning is consistent with the intent of the Strategic Plan that the City plan development that is consistent with the Comprehensive Plan and Land Development Regulations.

2. Financial Impact:

There is no direct financial impact to the City if the property is not rezoned; however, the current zoning prevents the property owner from making significant improvements that would increase their property tax contribution.

Option 2: Deny the request to rezone property located at 625 South Street from Historic Residential Office to Historic Commercial Tourist.

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

The request to deny the rezoning of properties that are consistent with the Comprehensive Plan and Land Development Regulations are not discussed in the strategic plan vision and mission. Although the rezoning is consistent with the intent of the Strategic Plan that the City plan development that is consistent with the Comprehensive Plan and Land Development Regulations.

2. Financial Impact:

There is no direct financial impact to the City if the property is not rezoned; however, the current zoning prevents the property owner from making significant improvements that would increase their property tax contribution.

Recommendation

The Planning Board and Planning Department recommend **approval** of **Option 1** to approve the request to rezone property located at 625 South Street from Historic Residential Office to Historic Commercial Tourist.