



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

To: Chairman and Planning Board Members

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: April 19, 2012

Agenda Item: **Comprehensive Plan Amendment** - Consideration of an ordinance of the City of Key West, Florida, proposing amendments to the Future Land Use Element and Future Land Use Map series of the City of Key West Comprehensive Plan for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006939); amending the Future Land Use Map Legend and Density and Intensity of Development, amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map series; creating Policy 1-1.6.4; and Policy 1-2.3.11 to provide for the integration of the military site into the community; and to define a new Future Land Use Map designation of "Historic Special Medium Density Residential" (HSMDR) and applying such designation to said property; providing for severability; providing for the repeal of inconsistent provisions providing for transmittal to the State Land Planning Agency; providing for the filing with the Secretary of State and for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

Location: Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006939)

Background: On April 6, 2011, the City was notified that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be pursuing the sale of the property known as the Peary Court Housing Complex (RE# 00006730-000000), and all of the structures on it, to a private entity. The property is located within a Military (M) Future Land Use designation and corresponding zoning district. As such, should the property be sold to a non-military entity, the Future Land Use Element and Future Land Use Map of the City of Key West Comprehensive Plan must be amended, and subsequent amendments to the City's Land Development Regulations would be required to update the zoning district and the City's Official Zoning Map. In order to amend the Future Land Use Element and Future Land Use Map, the following information was reviewed and analyzed:

- Information regarding the consistency of the proposed land use amendments with the future land use element goals, objectives and policies, and those of other affected elements
- Impacts on Hurricane Evacuation; Planning and the BPAS;
- A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, and recreation, as appropriate;
- Tenant Rental Types and Rental Ranges in Relation to Affordable Housing;
- Construction Code/Federal Emergency Management Agency (FEMA) Flood Elevation Compliance; and
- Review of Archaeologically Sensitive Areas on the Site.

Please see attached Data, Inventory and Analysis Report which addresses these items and the direction provided by supporting Comprehensive Plan Objectives and Policies. (Attachment 1)

Background and Existing Site Characteristics

The Peary Court Housing Complex consists of approximately 24.26 acres, and began phased construction in 1993. The total number of residences recognized on the property is 160; however, only 157 units are currently in existence on the property today. At the time of construction, the residences fulfilled military housing needs. However, over time, the tenant type was broadened to include public sector civilians.

The property is located adjacent to the following future land use designations: Military (M) designation at Trumbo Point Annex, the Historic Neighborhood Commercial Future Land Use designation, the Historic Medium Density Residential (HMDR) designation, the General Commercial Future Land Use designation, and Public Service (PS) Future Land Use designation. Though there are some institutional and commercial Future Land Use designations proximate or adjacent to the property, there is a significant portion of historic, permanent residential housing abutting the property.

Based upon this set of facts, and the need to identify a reasonable and prudent Future Land use designation for the property as it was excecised from US Navy ownership, together with the direction provided by the Zoning In Progress determination and options considered by the City Commission, Planning staff created a hybrid FLUM designation to best and fairly protect existing residential uses on site, and determine a policy position for LDRs which would protect surrounding land uses. This proposed FLUM designation is Historic Special Medium Density Residential (HSMDR). This hybrid approach was necessitated because of the special circumstances of the existing site development and the lack of previous land development regulations tailored for the property with a history of successful implementation.

The proposed following policies when adopted will provide the direction for the creation of implementing LDRS to allow the future redevelopment of the site and protect neighboring districts and other vital City wide interests and resources. Until such time as the new LDRs for HSMDR are adopted and in place, the regulatory scheme of the Zoning

In Progress will remain in force. That set of administrative directions to the property owner, whomever that may be, and the city staff is to allow the maintenance and replacement (if destroyed by accident or Act of God) of the existing residential and commercial structures in kind, type, density and intensity, but with no ability to prosecute applications for development agreements, variances, exception, development plans or conditional uses.

Add to Goal 1-1 Land Use, Objective 1-1.6, Integrate Former Military Sites, the following new policy:

Policy 1-1.6.4: Peary Court Housing Complex Organizing Element. All new development and redevelopment within the Peary Court Housing Complex shall be consistent with the following key organizing elements:

1. Preserve the existing housing stock of 160 units for permanent multifamily residential purposes.
2. Maintain land use compatibility and sensitivity with the adjacent historic district.
3. Maintain land use compatibility and sensitivity with the adjacent military installation at Naval Air Station Key West Trumbo Point Annex.
4. Recognize that a portion of the existing housing on the property contributes to the affordable housing stock of the community due to its availability to non-military citizens and its rental rate structure, and to maintain such affordability for a reasonable portion of those units.

Amend Goal 1-2 Future Land Use Map, by changing:

Map 1-1, Future Land Use Map Series: The City's Future Land Use Map (pg. 1-10). Remove the Military (M) Future Land Use designation applied to the property, and substitute the new Historic Special Medium Density (HSMDR) Future Land Use designation (Exhibit 1).

The Future Land Use Map Legend and Density and Intensity of Development (pg. 1-11) shall be amended to include the Historic Medium Density (HSMDR) Future Land Use designation, and shall have a maximum nonresidential Floor Area Ratio of 1.0, and maximum residential density of eight (8) dwelling units per gross acre (Exhibit 2).

Map 1-4 of the Future Land Use Map Series (pg. 15) shall be amended to remove the "NAVY" designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 3).

Map 1-6 of the Future Land Use Map Series (pg. 1-17) shall be amended to remove the "NAVY" designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 4).

Amend Objective 1-2.3 Managing Old Town Redevelopment and Preservation of Historic Resources by adding the following policy:

Policy 1-2.3.11: Historic Special Medium Density Residential (HSMDR). The area delineated on the Future Land Use Map as Historic Special Medium Density Residential (HSMDR) is designed to accommodate the existing multifamily military housing complex at Peary Court at that time when the land and improvements are transferred to civilian ownership and City jurisdiction. The designation is intended to maintain land use compatibility with the adjacent historic district and military installation at Trumbo Point Annex. This designation is not intended to accommodate transient or commercial residential land use activities. The allowable residential density shall be a maximum of eight (8) units per acre. The maximum intensity of development shall not exceed a floor area ratio of 1.0 for all uses.

Upon Plan adoption, the land development regulations shall be amended to identify standards and processes to implement new Policy 1-1.6.4, to provide bulk and performance standards to implement the HSMDR designation, and to assure compliance with all other goals, objectives, and policies of the Comprehensive Plan.

Upon plan adoption, the Historic Preservation Planner shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion, and screening to ensure compatibility with the existing community fabric. Upon plan adoption, the land development regulations shall be amended to include applicable review criteria for such historic architectural review standards.

To recommend to the City Commission the adoption of the HSMDR FLUM designation and its implementing policies, the Planning Board is required to review the following criteria in making its recommendation of approval or denial. Obviously if the Planning Board wishes to modify the proposed policies it is free to do so, but is mandated to also base any such direction using the criteria.

Sec. 90-555. Criteria for approving amendments to Comprehensive Plan Future Land Use Map.

In evaluating proposed changes to the Comprehensive Plan Future Land Use Map, the City shall consider the following criteria:

- (1) Policy 1A-1.2.4: Land Use Compatibility Comprehensive Plan, including the adopted infrastructure, minimum levels of service standards and the concurrency management program.**

As demonstrated in the attached Data and Analysis report, the proposed designation and policy set are supported by numerous existing Comprehensive

Plan objectives and policies which direct the location, timing, density and intensity of development such that it minimizes impacts on surround in residential and commercial districts and resources.

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

As demonstrated by the Data and Analysis and the Development Review Committee analysis the existing development is or will be consistent with all the appropriate Code sections when the LDRs are drafted and effectuated which guide development within this new district. The property owner is aware that any deficiencies in any building or site improvement must be compliant with Code (Building, Flood and Planning) at the time Certificates of Occupancy are issued upon transfer to private ownership, or by a date certain based upon a development order issued subsequent to adoption of LDRS to implement the new FLUM and Comprehensive Plan polices of HSMDR.

(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.

There has been one significant change from the time the development and use of the property initially occurred. That is the pending and imminent transfer of the property to private ownership, which requires a Future Land Use map designation, Comprehensive Plan policies and Land Development Regulations to regulate appropriate private use of property.

(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 residential use of the property when limited in scope and density as proposed will be consistent with the surrounding single family and limited multi-family historic districts. The proposed density limitation of the policies of 8.0 units per acre is consistent with the surrounding historic residential districts. The policies provide direction to the formulation of LDRs such that any nonresidential development will be limited in scope by prohibiting commercial or transient land use.

(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 DRC analysis demonstrated that the existing development has been or will be accommodated by all the relevant public facilities and services named above. Any new development that may be proposed after adoption of the LDRs must demonstrate concurrency by analysis prior to any construction approval.

- (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.**

There are no significant natural resources on site, with the exception of a number of larger trees which will have enhanced protection due to the City's Tree ordinance becoming effective upon ownership transfer.

- (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 transfer of ownership and the implementation of the new LDRs and Comprehensive Plan designation will have a significant and positive effect by increasing the assessed value subject to City, School and Special District and County taxation levies. If the property is regulated by the policies and LDRs which limit density and prevent transient and commercial uses, the effects on surrounding property values will be positive.

- (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 development pattern has already been established by the construction of the existing units. As presently envisioned and with the lack of any new BPAS allocations anywhere in the city inclusive of the subject property, the existing development pattern will remain the same.

- (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 designation of a FLUM designation which largely maintains the status quo, but supports and regulates the continuation of the existing development pattern,

type and density, prevents the use of the for transient rentals and commercial purposes is in harmony with the LDR intent by balancing the need to provide for a reasonable use of property and the protection of the property rights of surrounding land use districts. The proposed FLUM designation is consistent with F.S. 380.05, 380.0552 and F.S. 163 .3184 in that the proposed FLUM and policy implements the Principles for Guiding Development, see Attachment 2, Florida Administrative Rule 28-36 .003.

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

There are no other matters which affect or require the FLUM and policy amendment.

PROCESS

After the Planning Board recommends adoption of the FLUM amendment and the Comprehensive Plan, the ordinance required to implement the changes will be required to be heard at two City Commission readings for adoption. The first hearing will be a “transmittal” hearing which allows the City to send the proposed changes to the Florida Division of Community Planning of the Department of Economic Opportunity (DEO), state, regional and local agencies for review and comment. These agencies then prepare their comments and transmit them to the City directly or through DEO. DEO has sixty days to prepare its comments and or objections and send them to the City. The City is required to hold a second hearing to formally adopt the Comprehensive Plan amendment within 180 days of receipt of the report from DEO., taking into account any comments. In addition because the City is in an Area of Critical State Concern, DEO is required to approve or deny the proposed FLUM and Comprehensive Plan Change within 60 days by the a rule making process established by Florida Administrative law.

RECOMMENDATION

The Planning Department recommends that the Planning Board **Approve** the attached resolution recommending that the City Commission adopt the ordinance approving the Comprehensive Plan and FLUM amendment.

**Draft
Resolution**

**PLANNING BOARD
RESOLUTION NO. 2012 - _____**

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY# 1006963); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4, AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF “HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL” (HSMDR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN.

WHEREAS, the Planning Department initiated the proposed amendments to the Future Land Use Element of the Comprehensive Plan as a result an application for such changes by Balfour –Beatty, Southeast Housing, LLC representing the owner of lands owned by the United States Navy; and

WHEREAS, the City of Key West was informed on or around April 6, 2011 that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be

_____Chairman

_____Planning Director

pursuing the sale of the property known as Peary Court (RE# 00006730-000000), and all of the structures on it, to a private entity; and

WHEREAS, the Peary Court property is located within the City's Military (M) Future Land Use designation and zoning district; and

WHEREAS, Policy 1-2.6.2 of the Comprehensive Plan does not specify regulatory land use controls for lands that fall under the Military (M) Future Land Use designation but simply recognizes federal preemption of local land use controls; and

WHEREAS, should the ownership change from a military entity to civilian entity, the federal preemption from land use controls no longer provides sufficient and necessary guidance and regulations to accommodate the existing housing and mixed use development on the property; and

WHEREAS, in order to allow staff to develop and analyze necessary and appropriate Future Land Use and zoning amendments, the City Commission approved Resolution 11-325 on November 15, 2011, invoking the Zoning in Progress Doctrine for the Peary Court property; and

WHEREAS, City Commission Resolution 11-325 provided an interim Future Land Use and zoning designation of Planned Redevelopment District (PRD), as well as direction to City

staff to consider the following Future Land Use designation changes: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations, as the most appropriate and consistent with the unique site characteristics of the property; and

WHEREAS, staff has analyzed the existing site characteristics and the relationship of the property to immediately surrounding development and neighborhoods, and the potential function of the existing housing with the community as a whole in order to determine a Future Land Use Designation consistent with the criteria for approving amendments to the Comprehensive Plan Future Land Use Map, pursuant to Section 90-555 of the Land Development Regulations; and

WHEREAS, based on staff analysis, a hybrid Future Land Use designation of Historic Medium Density Residential (HMDR) and Planned Redevelopment District (PRD) to be called the Historic Special Medium Density Residential (HSMDR) district will be the most compatible designation with the existing site characteristics at Peary Court, protects surrounding adjacent established land uses, and promotes consistency with the Comprehensive Plan, conformance with applicable ordinances, changed conditions, land use compatibility, adequate public facilities, the natural environment, economic effects, orderly development, the public interest, and other matters applicable; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West

Comprehensive Plan; and by supporting the goals, objectives, and policies of the plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.); and

WHEREAS, at a regularly scheduled meeting held on the 19th day of April, 2012, the Planning Board of the City of Key West held a public hearing for the purpose of considering the transmittal to the State Land Planning Agency, for review and comment, a proposed amendment to the City of Key West Comprehensive Plan, as specified in Section 1 below; and

WHEREAS, the Planning Board determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances;

WHEREAS, the Planning Board makes the following findings of fact and conclusions of law:

1. The proposed amendment is internally consistent with the City of Key West Comprehensive Plan.
2. The proposed amendment is consistent with the Principles for Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code.

3. The proposed amendments meet the criteria for amending the Comprehensive Plan Future land Use Map contained in section 90-555 of the City of Key West Code of Ordinances.
4. The proposed amendments provide sufficient and timely policy direction to the City Planning Department to draft Land Development Regulations to implement the proposed amendments to the Comprehensive Plan and Future Land Use Map based upon the facts established in the Data and Analysis Report.
5. The proposed amendments protect the property rights of both the subject property owners and those of surrounding potentially affected property owners.
6. The proposed amendments are consistent with the requirements of Florida Statutes 163.3184
7. The City of Key West Planning Board is the Local Planning Agency defined by Florida Statutes 163.3174 charged with recommending changes to the Key West City Commission regarding changes to its Comprehensive Plan.
8. That all other provisions of the City Comprehensive Plan, not enumerated in the proposed amendments apply equally, without exception and specifically to the property subject to the amendments, and identified in the Data and Analysis report and application for change.
9. That the comments, presentations and representations of the existing property owners and their agents were considered and evaluated by the staff and the

Planning Board.

10. That comments and presentations of citizens made either orally at the hearing or in writing were considered by the Planning Board.
11. That the reports, testimony and presentations by City staff represents substantial and competent evidence.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. Amending the Future Land Use Element And Future Land Use Map Series Of The City Of Key West Comprehensive Plan for property known as the Peary Court Housing complex (RE# 00006730-000000, Alternate Key # 1006963); Amending the Future Land Use Map Legend and Density and Intensity of Development, Amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map Series; Creating Policy 1-1.6.4; And Policy 1-2.3.11 To provide for the integration of the Military Site into the Community; and to define a new Future Land Use Map Designation of “Historic Special Medium Density Residential” (HSMDR) and applying such designation to said Property is hereby recommended for **Approval**; a copy of the recommended modifications to the City of Key West Comprehensive Plan is attached.

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19th day of April 2012.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

**Draft
Ordinance**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY # 1006963); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4, AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF “HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL” (HSMDR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN.

WHEREAS, the City of Key West was informed on or around April 6, 2011 that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be pursuing the sale of the property known as Peary Court (RE# 00006730-000000), and all of the structures on it, to a private entity; and

WHEREAS, the Peary Court property is located within the City’s Military (M) Future Land Use designation and zoning district; and

WHEREAS, Policy 1-2.6.2 of the Comprehensive Plan does not specify regulatory land use controls for lands that fall under the Military (M) Future Land Use designation but simply recognizes federal preemption of local land use controls; and

WHEREAS, should the ownership change from a military entity to civilian entity, the federal preemption from land use controls no longer provides sufficient and necessary guidance and regulations to accommodate the existing housing and mixed use development on the property; and

WHEREAS, in order to allow staff to develop and analyze necessary and appropriate Future Land Use and zoning amendments, the City Commission approved Resolution 11-325 on November 15, 2011, invoking the Zoning in Progress Doctrine for the Peary Court property; and

WHEREAS, City Commission Resolution 11-325 provided an interim Future Land Use and zoning designation of Planned Redevelopment District (PRD), as well as direction to City staff to consider the following Future Land Use designation changes: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations, as the most appropriate and consistent with the unique site characteristics of the property; and

WHEREAS, staff has analyzed the existing site characteristics and the relationship of the property to immediately surrounding development and neighborhoods, and the potential function of

the existing housing with the community as a whole in order to determine a Future Land Use Designation consistent with the criteria for approving amendments to the Comprehensive Plan Future Land Use Map, pursuant to Section 90-555 of the Land Development Regulations; and

WHEREAS, based on staff analysis, a hybrid Future Land Use designation of Historic Medium Density Residential (HMDR) and Planned Redevelopment District (PRD) to be called the Historic Special Medium Density Residential (HSMDR) district will be the most compatible designation with the existing site characteristics at Peary Court, protects surrounding adjacent established land uses, and promotes consistency with the Comprehensive Plan, conformance with applicable ordinances, changed conditions, land use compatibility, adequate public facilities, the natural environment, economic effects, orderly development, the public interest, and other matters applicable; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West Comprehensive Plan; and by supporting the goals, objectives, and policies of the plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Section 1: The City of Key West Comprehensive Plan Goals, Objectives, and Policies shall be amended as follows: (Deletions are ~~stricken through~~ and additions are underlined.)

Add to Goal 1-1 Land Use, Objective 1-1.6, Integrate Former Military Sites, the following new policy:

Policy 1-1.6.4: Peary Court Housing Complex Organizing Element. All new development and redevelopment within the Peary Court Housing Complex shall be consistent with the following key organizing elements:

1. Preserve the existing housing stock of 160 units for permanent multifamily residential purposes.
2. Maintain land use compatibility and sensitivity with the adjacent historic district.
3. Maintain land use compatibility and sensitivity with the adjacent military installation at Naval Air Station Key West Trumbo Point Annex.
4. Recognize that a portion of the existing housing on the property contributes to the affordable housing stock of the community due to its availability to non-military citizens and its rental rate structure, and to maintain such affordability for a reasonable portion of those units.

Amend Goal 1-2 Future Land Use Map, by changing:

Map 1-1, Future Land Use Map Series: The City's Future Land Use Map (pg. 1-10). Remove the Military (M) Future Land Use designation applied to the property, and substitute the new Historic

Special Medium Density (HSMDR) Future Land Use designation (Exhibit 1).

The Future Land Use Map Legend and Density and Intensity of Development (pg. 1-11) shall be amended to include the Historic Medium Density (HSMDR) Future Land Use designation, and shall have a maximum nonresidential Floor Area Ratio of 1.0, and maximum residential density of eight (8) dwelling units per gross acre (Exhibit 2).

Map 1-4 of the Future Land Use Map Series (pg. 15) shall be amended to remove the “NAVY” designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 3).

Map 1-6 of the Future Land Use Map Series (pg. 1-17) shall be amended to remove the “NAVY” designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 4).

Amend Objective 1-2.3 Managing Old Town Redevelopment and Preservation of Historic

Resources by adding the following policy:

Policy 1-2.3.11: Historic Special Medium Density Residential (HSMDR). The area delineated on the Future Land Use Map as Historic Special Medium Density Residential (HSMDR) is designed to accommodate the existing multifamily military housing complex at Peary Court at that time when the land and improvements are transferred to civilian ownership and City jurisdiction. The designation is intended to maintain land use compatibility with the adjacent historic district and military installation at Trumbo Point Annex. This designation is not intended to accommodate transient or commercial residential land use activities. The allowable residential density shall be a

maximum of eight (8) units per acre. The maximum intensity of development shall not exceed a floor area ratio of 1.0 for all uses.

Upon Plan adoption, the land development regulations shall be amended to identify standards and processes to implement new Policy 1-1.6.4, to provide bulk and performance standards to implement the HSMDR designation, and to assure compliance with all other goals, objectives, and policies of the Comprehensive Plan.

Upon plan adoption, the Historic Preservation Planner shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion, and screening to ensure compatibility with the existing community fabric. Upon plan adoption, the land development regulations shall be amended to include applicable review criteria for such historic architectural review standards.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable there from and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380, (F.S.).

Section 5: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

Section 6: The numbering of the forgoing amendment may be renumbered to conform to the numbering of the City of Key West Comprehensive Plan and shall be incorporated in the City of

Key West Comprehensive Plan.

Read and passed on first reading at a regular meeting held this ___ day of ___, 2012.

Read and passed on final reading at a regular meeting held this ___ day of ___, 2012.

Authenticated by the presiding officer and Clerk of the Commission on ___ day of ___, 2012.

Filed with the Clerk ___, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK