



THE CITY OF KEY WEST

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To: City of Key West Planning Board

From: Donald Leland Craig, AICP, Planning Director

Date: July 15, 2011

Reference: Peary Court Rezoning Process

This memo is written to provide tentative outline of the Future Land Use Map Designation (FLUM) and Land Development Regulation Amendment process for Peary Court. As you are aware, the City was notified on April 6, 2011 by Naval Air Station Key West officials that the Peary Court property was being put up for sale. According to the Disposition Schedule provided by the Navy, the marketing of the property was scheduled to commence on June 1, 2011 and closing on the sale to occur by the end of 2011. The current FLUM designation provides that the property falls within a "Military" (M) zoning designation. As such, with new ownership, the zoning controls on the property under the current designation would no longer be appropriate. The following provides a preliminary overview of initial Planning questions, additional documentation required, potential issues that may need further coordination and review, as well as a cursory timeline of the anticipated process.

Initial Questions:

- Is the Navy subject to application submittal and associated fees?
- Can the City process a Comprehensive Plan and Land Development Regulation amendment simultaneously, on a parallel track?
- Does excessing the property mean that the existing development is vested and exempt from a retroactive development plan process, inclusive of the assignment of BPAS allocations?

Additional Documentation Required To Commence Future Land Use Amendment and Land Development Regulation Amendment Process (To Date):

- Signed and Sealed Survey
- Site visit to determine number and types of nonconformities
- Verification of whether existing units are built in accordance with the Florida Building Code
- Flood elevation certificates for all units
- Statistics outlining stratification of tenant type (military/civilian/family sizes/rental range information)
- Documentation outlining the relationship between Southeast Housing, LLC and Naval Air Station Key West (owner/applicant, etc.)

Potential Studies that May be Necessary

- Understanding the impact of the units on the Hurricane Evacuation Modeling, as it affects the City of Key West (how were these units taken into account in the models)
- How the absorption of the Peary Court units will impact the City's Building Permit Allocation System (BPAS)
- If, and how, the existing units provide functionally affordable housing within the City, and how their potential loss for that purpose may affect the City
- Concurrency: impacts on existing level of service standards, impacts on emergency management, and fiscal impacts to the City
- The fiscal impact of bringing these units into the City of Key West
- How nonconformities on the site will be brought into compliance or dealt with in the future

Tentative Timeline for Coordinated Agency Review Process:

- If the Future Land Use Amendment and Land Development Regulation Amendment can be brought through a concurrent process:
 - August 2011: First possible consideration by the Development Review Committee
 - October 2011: Planning Board consideration
 - November 2011: First City Commission meeting and consideration
 - Forward Plan Amendment to State Land Planning Agency, and other Review Agencies- 30 days for reviewing agencies to comment
 - January 2012: Objections, Recommendations, Comments (ORC) report submitted by State Land Planning Agency
 - February 2012: Second City Commission meeting adopting plan amendment with effective date. If Land Development Regulation Amendment is approved, amendment would not go into effect until the State Land Planning Agency finds the Future Land Use Amendment compliant
 - Within 10 days of adoption: Forward copy of adopted Comprehensive Plan Amendment to State Land Planning Agency, as well as any other governmental agency who provided timely comments
 - Within 45 days of receipt of complete adopted plan amendment: State Land Planning Agency may issue Notice of Intent to City, determining compliance
 - 21-day appeal period after State Land Planning Agency issues Notice of Intent
 - May of June 2012: Potential completion date
- If Land Development Regulation Amendment must be brought subsequent to Future Land Use Amendment approval from State Land Planning Agency:
 - June 2012: Planning Board consideration of Land Development Regulation amendment
 - July 2012: First City Commission meeting regarding consideration of amendment
 - July 2012: Second City Commission meeting regarding consideration of amendment

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- July 2012: Render amendment to State Land Planning Agency for 60 day review
- September 2012: State Land Planning Agency issues Final Order
- October 2012: End of 21-day Appeal Period for Order after publication in Florida Administrative Weekly, and potential completion date

Attachments:

Attachment 1: Southeast Housing, LLC Naval Air Station Key West Peary Court-
Disposition Schedule

Attachment 2: Coordinated Agency Review Process

CC: Jim Scholl, City Manager
Shawn Smith, City Attorney

Attachment 1

**Southeast Housing, LLC
Naval Air Station Key West
Peary Court – Disposition Schedule**

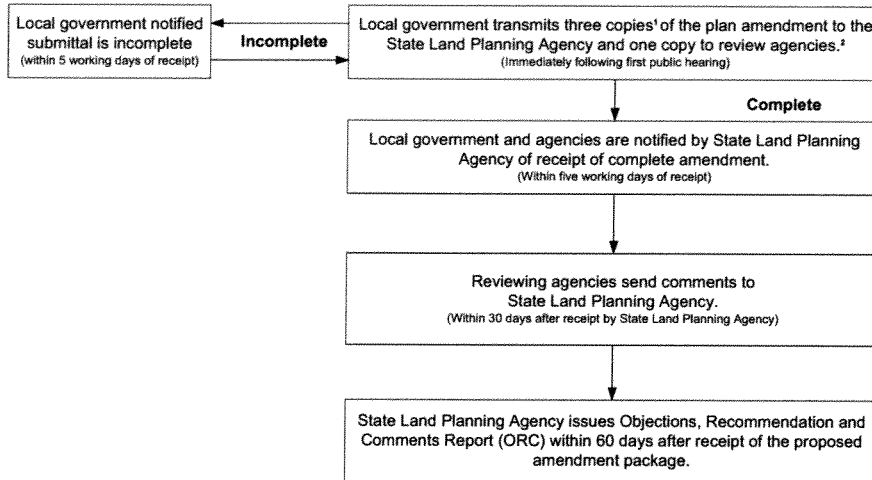


ITEM	Estimated Date	Actual Date	COMMENTS
A. Pre-Closing			
1. Navy approval of Disposition Plan			Received Concurrence Memo
1a. Navy approve RE Services Agreement			Received Concurrence Memo
2. Completion of Navy FOST (fee simple)			
3. Notify Local Officials	4/6/11		
4. Marketing Materials to Navy	5/13/11		
5. Navy Approve Marketing Materials	5/20/11		
6. Market Property - Start	6/1/11		
7. Market Property - Complete	7/13/11		Offers due
8. Present offers received to Navy with recommendation	7/27/11		Best and final offers
9. Navy approve/select Offeror and develops/approves Form of Deed	8/4/11		
10. Negotiate Purchase Agreement complete	8/17/11		
11. Navy Approve Purchase Agreement/Execute Joinder	8/31/11		
12. Execute Purchase Agreement	8/31/11		
13. Due Diligence - Complete	10/14/11		Assumes 45 day due diligence in Purchase Agreement
14. Closing	11/15/11		Assumes 30 day in Purchase Agreement and no subdivision/re-zone or tax lot creation

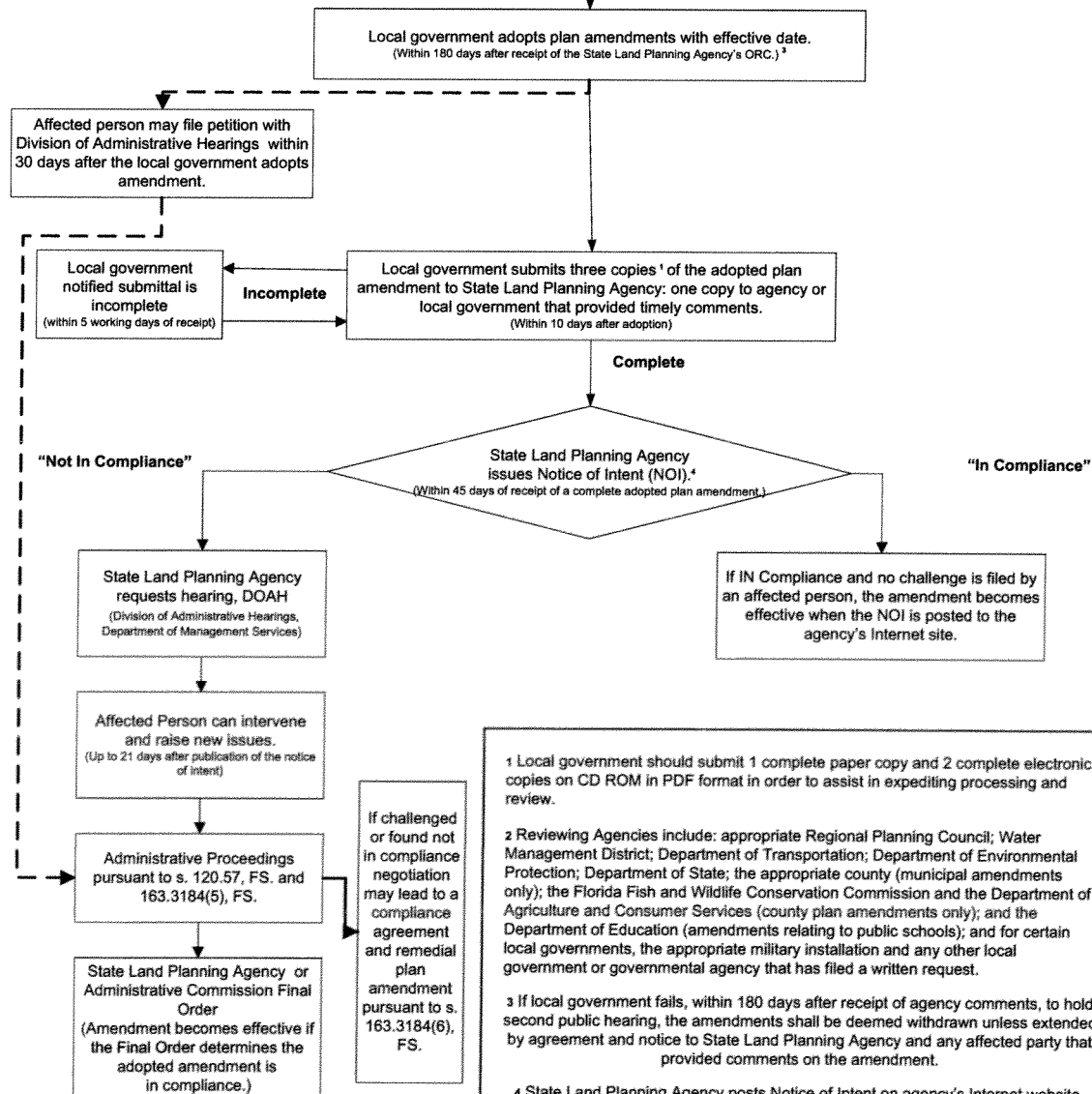
Attachment 2

State Coordinated Review Amendment Process Section 163.3184(4) and (5), Florida Statutes

Proposed Phase



Adopted Phase



¹ Local government should submit 1 complete paper copy and 2 complete electronic copies on CD ROM in PDF format in order to assist in expediting processing and review.

² Reviewing Agencies include: appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

³ If local government fails, within 180 days after receipt of agency comments, to hold second public hearing, the amendments shall be deemed withdrawn unless extended by agreement and notice to State Land Planning Agency and any affected party that provided comments on the amendment.

⁴ State Land Planning Agency posts Notice of Intent on agency's Internet website.