
Rick Scott
GOVERNOR



FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

Hunting F. Deutsch
EXECUTIVE DIRECTOR

August 3, 2012

The Honorable Craig Cates
Mayor, City of Key West
3126 Flagler Avenue
Key West FL 33040

Dear Mayor Cates:

The State Land Planning Agency (the Agency) has completed its review of the proposed comprehensive plan amendment for the City of Key West (Amendment No. 12-2), which was received and determined complete on June 14, 2012. Copies of the proposed amendment have been distributed to the appropriate reviewing agencies for their review, and their comments are enclosed. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

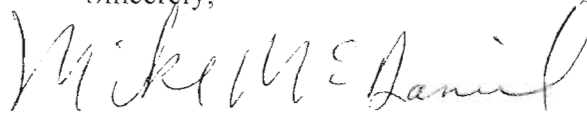
The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified two objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing a technical assistance comment consistent with Section 163.3168(3), F.S. The Agency's technical assistance comment will not form the basis of a challenge. They are offered as suggestions which can strengthen the City's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure compliance with the provisions of Chapter 163, F.S.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.



My staff and I are available to assist the City in addressing the issues identified in our report. If you have any questions, please contact Rebecca Jetton, at (850) 717-8494, or by email at Rebecca.jetton@deo.myflorida.com.

Sincerely,



Mike McDaniel, Chief
Bureau of Community Planning

MM/bep

Enclosures: Review Agency Comments
Adoption Procedures

cc: Mr. Don Craig, Planning Director, City of Key West
Mr. James F. Murley, Executive Director, South Florida Regional Planning Council



SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the 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.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR CITY of KEY WEST
PROPOSED COMPREHENSIVE PLAN AMENDMENT
(DEO NO. 12-2ACSC)**

I Consistency with Chapter 163, Part II and Chapter 380, Part I

The Department has the following objection and comments to the proposed comprehensive plan amendment:

Objection 1 - The proposed text amendment provides that all new development and redevelopment within the Peary Court Housing Complex recognize that a portion of the existing housing on the property contributes to the affordable 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. The Department raises an objection because the language “reasonable portion” does not provide for a meaningful and predictable standard.

Authority 163.3177(1)

Recommendation: Policy 3-1.1.3 of the Comprehensive Plan provides at least thirty percent (30%) of all residential units constructed each year shall be affordable and Policy 1-3.12.2 requires that the City permit allocation system set aside thirty percent (30%) of all new permanent residential units as affordable housing. To achieve these objectives while at the same time recognizing the unique circumstances associated with converting former Navy housing to permanent residential dwellings, the Department supports the potential public/private partnership which has been discussed that includes the provision of land from the purchaser and construction of 48 affordable units by a public or private entity. To help make this work, the Department is willing to request the Administration Commission to provide sufficient ROGO allocations for affordable housing.

Objection 2 – A small portion of the property is within the coastal high hazard area (CHHA) as defined in the most recent Storm Tide Atlas. The City’s plan does not reflect the most recent definition or CHHA map.

Authority 163.3177(1)(f), 163.3177(6)(a)10., 163.3178(8)(c),

Recommendation: The City should amend its future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

Technical Assistance Comment 1: The new designation HSMDR has set a density of 8 units per acre and an FAR of 1.0. However, the new designation does not address open space or impervious surface requirements. The City currently suffers a financial burden in attempting to address retroactive stormwater management. As part of an overall plan

to address stormwater management the City should consider including open space and impervious surface ratio standards to the comprehensive plan's FLUM designations.

Technical Assistance Comment 2: The density of 8 units per acre provided for in the new FLUM designation of HSMDR would allow 194 units on 24.26 acres. This is not sufficient for the existing 160 units and 48 affordable units. If the additional units will be constructed on this site, the City should consider increasing the density to at least 9 units per acre in order to allow for the additional affordable housing units.

FLORIDA DEPARTMENT OF EDUCATION



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June 29, 2012

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Key West 12-2ACSC

Thank you for the opportunity to review the Key West 12-2 amendment package. According to the department's responsibilities under Section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of Chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have potential to create adverse impacts on public school facilities.

The proposal would amend the future land use map and element to integrate the former military Peary Court housing complex into the city's plan. The amendments would provide for a small increase in residential density above the currently recognized 160 units which does not appear to create adverse effects on public school facilities. Therefore, I offer no comment.

Again, thank you for the opportunity to review and comment.

Sincerely,

Handwritten signature of Tracy L. Suber.

Tracy L. Suber
Educational Consultant-Growth Management Liaison

TDS/

cc: Mr. Jeff Barrow, Monroe County Schcol District
Ms. Rebecca Jetton, DEO

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 29, 2012

Mr. Ray Eubanks
Administrator, Plan Review & Processing
Department of Economic Opportunity
Division of Community Planning and Development
107 East Madison Street
Tallahassee, Florida 32399-4120

Dear Mr. Eubanks:

**Subject: City of Key West, DEO Amendment #12-2ACSC
Comments on Proposed Comprehensive Plan Amendment**

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Key West (City). The amendment package consists of proposed amendments to the text of the Future Land Use Element and the Future Land Use Map series of the Comprehensive Plan for property known as the Peary Court Housing Complex. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the City and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. Once the amendment is adopted please forward a copy to the District. For assistance or additional information, please contact Terry Manning, Policy and Planning Analyst, at (561) 682-6779 or tmanning@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "RB", written over a horizontal line.

Rod A. Braun
Director
Office of Intergovernmental Programs

RB/tm

c: Donald Leland Craig, Key West
Christine Hurley, Monroe County
Rebecca Jetton, DEO
Rachel Kalin, SFRPC



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

ANANTH PRASAD, P.E.
SECRETARY

July 2, 2012

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Community Planning and Development
107 East Madison Street
Caldwell Building, MSC 160
Tallahassee, Florida 32399

Subject: Comments for the Proposed Comprehensive Plan Amendment, Key West #12-2ACSC

Dear Mr. Eubanks:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, Key West #12-2ACSC*. The District has reviewed the amendment package per *Chapter 163 Florida Statutes* and has found no adverse impacts to transportation resources and facilities of state importance. Please contact Ken Jeffries at 305-470-5445 if you have any questions concerning our response.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Steinmiller".

Phil Steinmiller
District Planning Manager

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6
Aileen Boucle, AICP, Florida Department of Transportation, District 6
Donald Leland Craig, AICP, City of Key West
Mayte Santamaria, Monroe County



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

June 21, 2012

Mr. Ray Eubanks
Plan Review Administrator
Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison Street MSC 160
Tallahassee, FL 32399-6545

Re: Key West 12-2ACSC Proposed; Comprehensive Plan Amendment Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment proposal under the procedures of Chapter 163, *Florida Statutes*. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; water and wastewater treatment; and, where applicable, the Everglades ecosystem.

Based on our review of the proposed amendment, the Department has found no provision that requires comment under laws that form the basis of the Department's jurisdiction. Thank you for the opportunity to comment on the proposed amendment package. Should you have any questions or require further assistance, please call me at (850) 245-2169.

Sincerely,

A handwritten signature in cursive script that reads "Chris Stahl".

Chris Stahl
Office of Intergovernmental Programs
/cjs



MEMORANDUM

AGENDA ITEM #III.E.1

DATE: JULY 9, 2012

TO: COUNCILMEMBERS

FROM: STAFF

SUBJECT: KEY WEST PROPOSED COMPREHENSIVE PLAN AMENDMENT, SLPA #12-2ACSC

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

Amendment Summary

The City of Key West proposed amendment #12-2ACSC contains text and map amendments related to the integration of a Military site, Peary Court Housing Complex, into the City Comprehensive Plan.

The City of Key West Commission approved the proposed amendments for transmittal by a vote of 6-1 on May 29, 2012.

Staff analysis confirms the proposed amendments are generally inconsistent with the Goals and Policies of the *SRPP*. Please see the attached amendment review form for details.

Recommendation

Find City of Key West proposed amendment package #12-2ACSC generally inconsistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Approve this staff report for transmittal to the City and the State Land Planning Agency.

Attachment 1

FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01

South Florida Regional Planning Council Agenda Item and Date: III.D; July 9, 2012.

Local Government Amendment Number: Key West proposed #12-2ACSC.

Date Comments due to the State Land Planning Agency: July 14, 2012.

Date Mailed to Local Government and State Land Planning Agency: Prior to July 14, 2012.

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan for South Florida (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENT

The proposed amendment package consists of Future Land Use Element text and Future Land Use Map (FLUM) amendments related to the property known as the Peary Court Housing Complex (approximately 26.24 acres), generally located at the northwest corner of Eisenhower Drive and Angela Street, south of Palm Avenue and east of White Street. The current future land use designation is Military and the property is owned by the United States Navy. Comprehensive Plan Policy 1-2.6.2 recognizes federal preemption of local land use controls; however, the City has been notified that the Navy intends to sell the property to a private entity. The intent of this amendment is to provide for the integration of the property into the City's Comprehensive Plan and land development regulations.

Construction on the property began in 1993 to fulfill the needs for military housing; however, the tenant type was broadened to include public sector civilians, representing approximately 25 percent of the 157 units today. Currently, 160 residential units are allowed on the property.

New Policy 1-1.6.4, would restrict new development and redevelopment within the Peary Court Housing Complex to preserve the existing housing stock of 160 units for permanent multifamily residential; maintain land use compatibility with adjacent historic and military installations; and direct the City to "recognize that a portion of the housing stock on the property contributes to the community's affordable housing stock due to its availability to non-military citizens and its rental structure, and to maintain such affordability for a reasonable portion of those units".

New Policy 1-2.3.11 would create a new land use designation to be known as the Historic Special Medium Density Residential (HSMDR), "to accommodate the existing multifamily military housing complex at Peary Court at the time when the land and improvements are transferred to civilian ownership and City jurisdiction [...] The designation is not intended to accommodate commercial or transient 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 adoption, the land development regulations will be amended to implement both Policies and allow for the future redevelopment of the property.

The FLUM for the Peary Court Housing Complex land use designation would change from Military to Historic Special Medium Density Residential (HSMDR).

Objection

Council staff recognizes the intent of the proposed amendment is to integrate a Military site into its Comprehensive Plan; however increased density and intensity is being proposed without justification.

The proposed density of eight units per acre would allow 209 residential dwelling units, or 49 additional units. The supporting data and analysis for infrastructure has not incorporated the maximum allowable building potential for the property.

In addition, the proposed language to maintain affordability for "a reasonable portion" of residential units is unclear. The current and maximum allowable residential dwelling units should be subject to the City's Affordable Housing Policy 3-1.3.3, which requires thirty percent of all new permanent residential units be affordable. The State Land Planning Agency has already communicated that when the transfer from military to private-ownership occurs, the existing units on the property will be considered "new" to the City.

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN.

The Florida Keys has limited potential for additional development and increases in density should only be granted in limited circumstances in order to achieve a specific purpose related to other Goals or Policies of the City Plan. The proposed amendment could potentially compromise the effort to avoid overdevelopment in the Florida Keys in order to protect Natural Resources of Regional Significance.

Applicable *SRPP* Goals and Policies:

GOAL 14 **Preserve, protect, and restore Natural Resources of Regional Significance.**

Policy 14.4 Direct land uses that are not consistent with the protection and maintenance of natural resource values away from Natural Resources of Regional Significance, adjacent buffer areas, and other natural resource areas.

2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH ANY COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION.

Not Applicable.