



THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report

To: Chairman and Planning Board Members

From: Katie P. Halloran, Planning Director

Meeting Date: March 17, 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 amending 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 properties at 241 Trumbo Road (RE# 00001720-000100) and 240 Trumbo Road (RE# 00001720-000300); 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 was submitted by the Monroe County School Board to allow for the redevelopment of underutilized properties at 240 and 241 Trumbo Road for affordable workforce housing. 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 150 “Affordable - Early Evacuation Pool” building permit allocations for the aforementioned parcels.

Applicant: Monroe County School Board

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**Background:**

The proposed ordinance to amend the City’s Land Development Regulations will set aside 150 “Affordable – Early Evacuation Pool” building permit allocations to allow for the redevelopment of approximately six acres of land owned by the Monroe County School District. The District has written that they will endeavor to proactively address the affordable housing shortage in Key West that is affecting their ability to hire and retain educators by constructing housing units for current and prospective School District staff.

The City will allocate these units contingent upon the success of litigation associated with the 300 units previously allocated to the City through the State of Florida’s Workforce-Affordable Housing Initiative. After the completion of Building Permit Allocation System Year 9, the City will have no remaining affordable

BPAS units. In fact, the Planning Department plans to allocate 27.64 market rate units during Year 9 to be deed restricted and function as affordable units. If the aforementioned litigation concludes in favor of the City, 103 regular BPAS units will be returned to the City from the Gardenview Apartments project.

The School District has written in their text amendment application, “In the 2021-22 school year alone, more than 10 positions at schools throughout the keys were left vacant due to the inability of prospective applicants to find housing that they could afford. While this workforce shortage has impeded the ability of many businesses to attract and retain a qualified workforce, the impact on the School Board is unique in the sense that shortages in District staffing affect a significant portion of the Key West population.”

**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.

(Ord. No. 19-05, § 1, 3-5-2019)

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### **Land Development Regulations Text Amendment Process:**

Planning Board Meeting:	March 17, 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, 2022
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 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 LDRs is the same as the proposed Comprehensive Plan text amendment, except for one additional sentence to ensure compliance with state regulations. 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 1-1.16: Managing Building Permit Allocation*
- *Policy 3-1.1.8: Affordable Housing Applicant Eligibility Requirements.*
- *Policy 3-1.1.11: Selecting Sites for Affordable Housing for Low and Moderate Income Households.*
- *Goal 3-1: Allocation of sufficient housing (paraphrased- see full text in companion staff report)*
- *Policy 3-1.1.3: Affordable housing minimum requirements (paraphrased- see full text in companion staff report)*
- *Policy 8-1.1.3.: Principles and Guidelines to be used in Coordination of Development and Growth Management Issues.*

***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 applicant is not proposing to modify the zoning district for this property. This residential density is

permitted by the Historic Residential Commercial Core Key West Bight (HRCC-2) zoning district. Specific effects of the proposed development will be considered at such time the City receives an application for a development plan.

***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 in the public interest.

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

The proposed amendment would be consistent with the adopted Comprehensive Plan, as noted in the section above.

***d. 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 change involves allocation of new building permits to the Monroe County School Board. Owners of undeveloped land with similar land use designation may apply for BPAS, Affordable – Early Evacuation Pool or Beneficial Use units at any time.

**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**.