



EXECUTIVE SUMMARY

To: Jim Scholl

Through: Donald Leland Craig, AICP Planning Director

From: Ashley Monnier, Planner II

Meeting Date: November 15, 2011

RE: A resolution of the City Commission of the City of Key West, Florida, invoking the Zoning in Progress Doctrine for the property known as Peary Court (RE# 00006730-000000) upon change of ownership from military to non-military; directing Planning staff to consider appropriate amendments to the Future Land Use Element of the Comprehensive Plan and Land Development Regulations in response to the proposed sale of the military property to a non-governmental entity, and assigning an interim zoning designation to the property; providing for an effective date.

ACTION STATEMENT:

Request: To support the Planning Board's recommendation of invoking the Zoning in Progress Doctrine upon the sale of Peary Court.

Location: Peary Court (RE# 00006730-000000)

BACKGROUND:

City officials were notified on April 6, 2011 that the United States Navy and its concessional housing partner, Balfour Beatty, would be selling the property known as Peary Court (RE# 00006730-000000, Alternate Key # 1006963) and all of the structures on it, to a private entity. As a result, the City Planning Department has proposed the invoking of the Zoning in Progress Doctrine, as the property currently has a Military (M) Future Land Use Designation. Policy 1-2.6.2 of the Comprehensive Plan does not provide any regulatory land use controls for lands that fall under the Military Future Land Use designation. As such, the Future Land Use Map (FLUM) of the City's Comprehensive Plan and the zoning regulations of the City's Land Development Regulations would need to be amended in anticipation of the change of ownership.

To summarize the process required for a change to the Future Land Use Element of the Comprehensive Plan and the corresponding Land Development Regulations, the proposed changes must undergo a State Coordinated Review Amendment Process, in accordance with Section 163.3184(4) and (5) of the Florida Statutes. Due to the anticipated length of the process, the Planning Department has proposed to invoke the Zoning in Progress Doctrine as a measure of providing interim regulatory land use controls while the City is processing the Land Use Amendment change and corresponding Land Development Regulation change. Zoning in Progress is a measure of ensuring that regulatory land use controls are set into place in anticipation of the transfer of ownership from the military to a private entity, while City staff, the Planning

Board, and City Commission determine the appropriate Future Land Use designation and corresponding zoning designation. It is important to understand that until the transfer of ownership from the United States Navy to a private entity occurs, any interim designation (should one be approved) would not go into effect because the federal government is immune and exempt from any local land use regulation.

Planning Staff Analysis

Based on preliminary staff analysis, the most appropriate interim zoning designation appears to be the Planned Redevelopment District (PRD) designation. Should the City Commission invoke Zoning in Progress on the property, City staff will further analyze the most appropriate permanent Future Land Use and zoning designation. Thus far, the Planning Department has identified and recommends the following designations to be reviewed while under Zoning in Progress:

- Planned Redevelopment District (PRD);
- Historic Planned Redevelopment District (HPRD);
- Medium Density Residential (MDR);
- Historic Medium Density Residential (HMDR); and
- Potential hybrid designation of one or more of the above categories (with a numerical designator) may emerge from the analysis to recognize and incorporate additional or different standards applicable only to Peary Court, based on unique site characteristics.

Also during the Zoning in Progress, the Planning Department anticipates further coordination to occur between the Navy, Southeast Housing LLC, Balfour Beatty Communities as well as other governmental agencies to fully understand how the absorption of these units will affect the City. As of the date of this report, important issues that will be part of the on-going analysis during Zoning in Progress include, but are not limited to:

1. Existing and future unit impact to the City with respect to the Hurricane Evacuation Model.
2. Whether a percentage of units must be affordable, consistent with the Comprehensive Plan.
3. Whether units met applicable construction codes when built (1994-1998).
4. Whether the site meets level of service standards related to the Concurrency management standards required in the Comprehensive Plan and Land Development Regulations, as well as impacts on emergency services, and whether there will be any fiscal impacts to the City.
5. Provision of FEMA elevation certificates and whether the units are compliant with applicable regulations.
6. Provision of current survey to confirm land area.

7. Understanding the stratification of tenant type (military/civilian/rental ranges) and rents paid in order to determine if units and families meet the City's affordable housing criteria.

Previous City Actions:

The Planning Board recommended staff's proposal for Zoning in Progress with the following limitations:

1. Only the following Comprehensive Plan and zoning designations shall be considered for adoption as the final Comprehensive Plan and Zoning designations: PRD, HPRD, MDR, HMDR, or a hybrid of one or more of these designations.
2. A prohibition on the acceptance of the following applications from the civilian owners of the property and units during the pendency of the Zoning in Progress: variances of any kind, conditional uses, special exceptions, development plans, or any other type of application which may extend, expand, enlarge, or increase in intensity any aspect of the site.

Options / Advantages / Disadvantages:

Option 1. Based on the foregoing, the Planning Department recommends the invoking of Zoning in Progress to allow the PRD Land Use Designation and corresponding zoning designation to be used as an interim measure, should the property be sold by the U.S. Navy during the processing of the Future Land Use amendment change and Land Development Regulation change. Further, staff recommends incorporating into the Zoning in Progress the following limitations:

- Only the following Comprehensive Plan and zoning designations shall be considered for adoption as the final Comprehensive Plan and Zoning designations: PRD, HPRD, MDR, HMDR, or a hybrid of one or more of these designations.
- A prohibition on the acceptance of the following applications from the civilian owners of the property and units during the pendency of the Zoning in Progress: variances of any kind, conditional uses, special exceptions, development plans, or any other type of application which may extend, expand, enlarge, or increase in intensity any aspect of the site.

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

Zoning in Progress is consistent with the City's Strategic Plan, Vision, and Mission in that it is a mechanism to help protect the public health, safety, and welfare should the property be sold prior to the completion of the State Coordinated Review Process. Zoning in Progress will also provide a measure of assurance to the potential new owners of the property with respect to property entitlements.

2. Financial Impact:

No financial impact to the City is anticipated as part of the Zoning in Progress.

Option 2. To not invoke the Zoning in Progress Doctrine to allow the PRD Land Use Designation and corresponding zoning designation to be used as an interim measure, should the property be

sold by the U.S. Navy during the processing of the Future Land Use amendment change and Land Development Regulation change.

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

Not approving the Zoning in Progress proposal would be inconsistent with the City's Strategic Plan, Vision, and Mission.

2. **Financial Impact:**

Potential financial impact may be incurred if regulatory land use protection is not put into place upon the change of ownership from a military to a non-military entity.

RECOMMENDATION: The Planning Board and Planning Department recommend the approval of **Option 1.**