

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



**To:** Chair and Planning Board Members

**Through:** Thaddeus Cohen, Planning Director

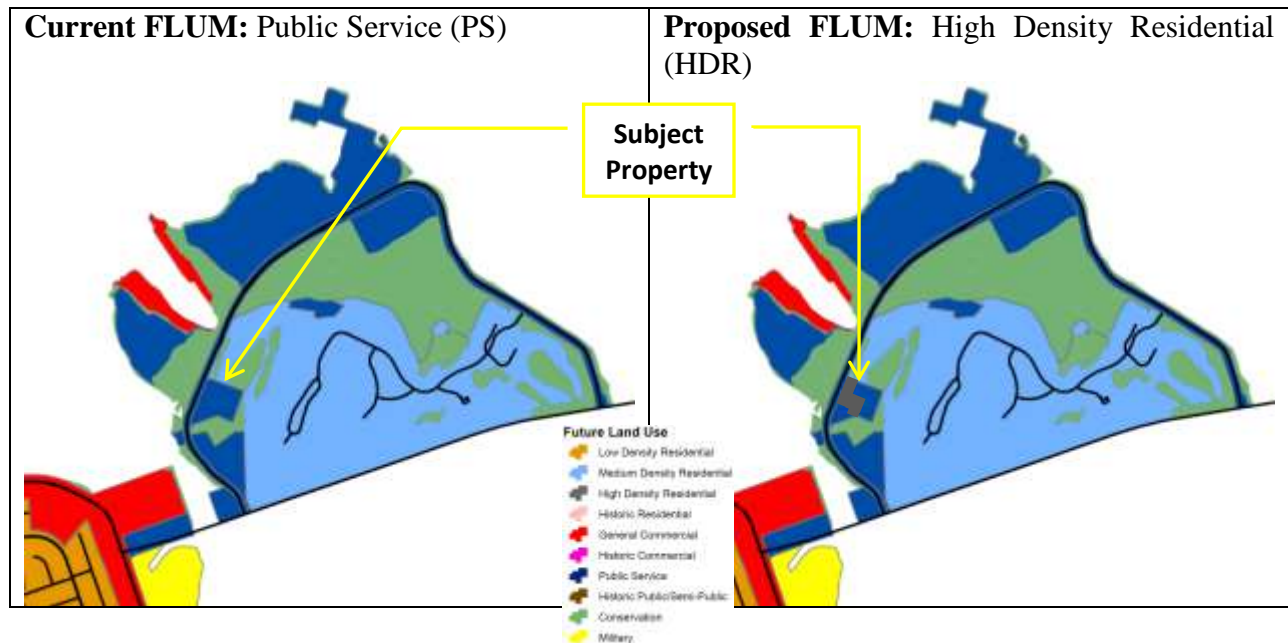
**Meeting Date:** August 18, 2016

**Agenda Item:** **Future Land Use Map (FLUM) Amendment – 5224, 5228 & 5230 College Road (RE # 00072082-002100, AK # 8757875 ; RE # 00072080-002200, AK # 1076155 ; RE # 00072082-002400, AK # 8757905) –** Consideration of an ordinance of the City of Key West, Florida, proposing amendments to the Future Land Use Map of the City of Key West Comprehensive Plan for the promotion of affordable housing for property located at 5224, 5228 & 5230 College Road; amending the Future Land Use Map Legend from Public Service (PS) to High Density Residential (HDR); and to add a new Future Land Use Map zoning sub-district designation of “High Density Residential College Road” (HDR-1) and applying such designation to said property; pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; 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.

**Request:** A site-specific amendment to the comprehensive plan future land use map from Public Service (PS) to High Density Residential (HDR) and define a new Future Land Use Map zoning sub-district designation of “High Density Residential College Road” (HDR-1) and applying such designation to said property.

**Applicant/  
Property Owner:** City of Key West

**Location:** 5224, 5228 & 5230 College Road (RE # 00072082-002100, AK # 8757875 ; RE # 00072080-002200, AK # 1076155 ; RE # 00072082-002400, AK # 8757905)



**Background:**

The subject property are three different adjacent parcels located within the Public Service (PS) Zoning District. The parcel at 5224 College Road currently houses the Mosquito Control. There are two buildings on the 34,670 square foot lot. The parcel at 5228 College Road is currently a trailer on a 15,035 square foot lot between the Eater Seals Building and the Humane Society. The parcel at 5230 College Road currently houses the Humane Society; the 18,295.20 square foot lot contains four buildings.

The zoning of the properties prior to 1997 was R-1B, which was medium density single family residential district with a height restriction of 40 feet.

**Request / Proposed Map Amendment:**

The applicant is requesting an amendment to the City’s Comprehensive Plan Future Land Use Map (FLUM) for the subject property. The current FLUM category is Public Service (PS). The proposed FLUM category is High Density Residential (HDR). Concurrent with the FLUM amendment, the applicant is also requesting an amendment to the City’s Official Zoning Map for the subject properties. The current zoning is Public Service (PS). The proposed zoning is High Density Residential College Road (HDR-1).

**Surrounding FLUM and Uses:**

**North:** Public Service (PS), Conservation (C), Planned Redevelopment and Development (PRD)

**South:** Public Service (PS), Conservation Upland Hammock and Mangrove (C-UH)

**East:** Public Service (PS)

**West:** Conservation Mangrove (CM)

**Future Land Use Map (FLUM) Amendment Process:**

Planning Board:	August 18, 2016
If denied, then appeal may be filed within 10 calendar days.	
City Commission (1st Reading/Transmittal)	TBD
Render to DEO	10 working days
DEO Review	Up to 60 days
City Commission (2nd Reading/Adoption)	Within 180 days after ORC
Local Appeal Period:	30 days
Render to DEO	10 working days
DEO Review:	Up to 45 days
DEO Notice of Intent (NOI)	Effective when NOI posted to DEO website

**Analysis:**

The purpose of Chapter 90, Article VI, Division 3 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 boundaries of the Future Land Use Map (FLUM) of the Comprehensive Plan (i.e., specific comprehensive plan amendment) consistent with Chapter 163 of the Florida Statutes (F.S.). It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Commission shall consider, in addition to the factors set forth in this division, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-556(a), the Planning Board, regardless of the source of the proposed change in the Comprehensive Plan, shall hold a public hearing thereon with due public notice as described in Code Chapter 90, Article VI, Division 3. 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 Comprehensive Plan to the City Commission for official action. In its deliberations the Planning Board shall consider the criteria in Code Section 90-555.

**Proposed Amendments to Comprehensive Plan**

- Amend the City’s Future Land Use Map (FLU-1, pg. 1-3): Remove Public Service (PS) land use designation applied to the property and substitute the new High Density Residential (HDR) future land use designation.
- Amend Table 1-1.1.5 Future Land Use Districts and Zoning Districts, by adding the following under High Density Residential Future Land Use District:
  - Zoning District: (HDR-1) High Density Residential College Road
  - Density: Maximum of 40 dwelling units per acre.
  - Intensity: N/A
  - Uses & Limitations: Affordable housing is strongly encouraged

**Criteria for Approving Amendments to Comprehensive Plan Future Land Use Map pursuant to Code Section 90-555**

In evaluating proposed changes to the Comprehensive Plan FLUM, the City shall consider the following criteria:

- (1) ***Consistency with plan.*** Whether the proposal is consistent with the overall purpose of the Comprehensive Plan and relevant policies within the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

*Consistency with the overall purpose of the Comprehensive Plan*

The City's Comprehensive Plan (the "Plan") was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City's Plan:

- Protects and maintains its natural resources;
- Preserves its community character and quality of life;
- Ensures public safety, and;
- Directs development and redevelopment in an appropriate manner.

The proposed FLUM amendment would not be inconsistent with the overall purpose of the Plan.

*Consistency with relevant policies within the Comprehensive Plan*

The proposed FLUM amendment would be consistent with the following relevant policies within the Comprehensive Plan:

- Policy 1-1.1.1: Planning Horizons.
- Policy 1-1.1.4: Affordable Housing and Compact Development Incentives.
- Policy 1-1.2.2: Promote Orderly Land Use Transition.

*Consistent with the adopted infrastructure minimum LOS standards and concurrency*

The proposed FLUM amendment would increase the demand for some public facilities. However, existing infrastructure will accommodate proposed residential developments, so any increased demand would be relatively small. The projected impacts of the land uses allowed by the proposed FLUM amendment are not anticipated to generate public facility needs that would trigger capital improvements.

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

The conformity of the proposed FLUM amendment with all applicable requirements of the City Code is being evaluated herein.

- (3) ***Changed conditions.*** Whether, and the extent to which, land use and development conditions have changed since the Comprehensive Plan's effective date and whether such conditions support or work against the proposed change.

The Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013. Prior to the new Future Land Use Map the property was zoned R-1B, which allowed medium density residential uses as-of-right and allowed institutional, public utility, golf

course and planned development uses as a special exception (similar to a conditional use). The maximum height restriction was 40 feet. While land use and development conditions have not changed since the effective date of the 2013 Comprehensive Plan, the Plan does have policies that support expanding opportunities for a range of housing types, inclusive of apartments, townhouses, efficiencies, and single room occupancies.

**(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 property is currently used commercially; however, prior to the 1997 Land Development Regulations the property was zoned R-1B, which allowed medium density residential uses as-of-right and a height restriction of 40 feet. The proposed residential use of the property will be consistent with the adjacent PRD zoning district. 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. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to a concurrency determination pursuant to Code Chapter 94.**

The proposed FLUM amendment would increase the demand for some public facilities. However, existing infrastructure will accommodate proposed residential development, so any increased demand would be relatively small. The projected impacts of the land uses allowed by the proposed FLUM amendment are not anticipated to generate public facility needs that would trigger capital improvements. Any new development 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.**

The property does not contain any wetlands or groundwater aquifers. Any impacts on vegetative communities would be reviewed and mitigated at the time of a proposed development. The proposed FLUM amendment is not expected to result in adverse impacts on the natural environment.

**(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 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. The property is regulated by the policies and LDRs which limit density and prevent transient and commercial uses, hence 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 proposed FLUM amendment would be consistent with the R-1B zoning district that was in place prior to the 1997 Land Development Regulations and would result in an orderly and compatible land use pattern.

- (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 this subpart B and its enabling legislation.**

The proposed FLUM amendment would not be in conflict with the public interest, and would be in harmony with the purpose and interest of the LDRs.

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

The main result of the proposed FLUM amendment and the related zoning map amendment is to accommodate the supply of housing responsive to the diverse housing needs of the existing and projected future population and to provide affordable quality housing.

**RECOMMENDATION:**

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends to the Planning Board that the request to amend the Comprehensive Plan Future Land Use Map (FLUM) and add a new Future Land Use Map zoning sub-district designation of High Density Residential College Road (HDR-1) be **APPROVED.**