

**Planning Board Package and Supportive
Documentation**



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

To: Chairman and Planning Board Members

Through: Nicole Malo, LEED GA, Planner II

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: August 22, 2013

Agenda Item: HRCC-4 Land Use Element Amendments - Consideration of an ordinance amending the Key West Comprehensive Plan by amending the Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core of the Land Use Element as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon the revocation of the Mole Pier and the Truman Harbor previously deeded by the Navy; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for an Effective Date.

Background

The HRCC-4 Future Land Use District was originally adopted into the Comprehensive Plan and Future Land Use Map in 1999 as a district specific to the Truman Waterfront Parcel after the land transfer from the Navy to the City through the Base Realignment and Closure Act. The City's Military Base Reuse Plan envisioned the property to be made up of various uses and districts that were promulgated on to the Future Land Use (FLUM) and Zoning Maps as the HRCC-4, HPS-1, HMDR, HNC-1, HNC-2 and HCL FLU districts with their respective regulations and associated uses (Exhibit A and Map 1 below). Because the HRCC-4 district included the Navy Mole Pier and associated waterfront buffer areas, the allowed uses were limited to water dependent and water related uses for light manufacturing, light industrial and warehousing, service and repair,

terminal operations, port operations, cruise ship berthing, offices, marinas, and permanent residential uses.

The proposed amendments to the Comprehensive Plan are in response to several land use conditions that have changed since the original Truman Waterfront parcel land conveyance and the adoption of the Future Land Use Map and HRCC-4 Future Land Use District. Those changed conditions are as follows:

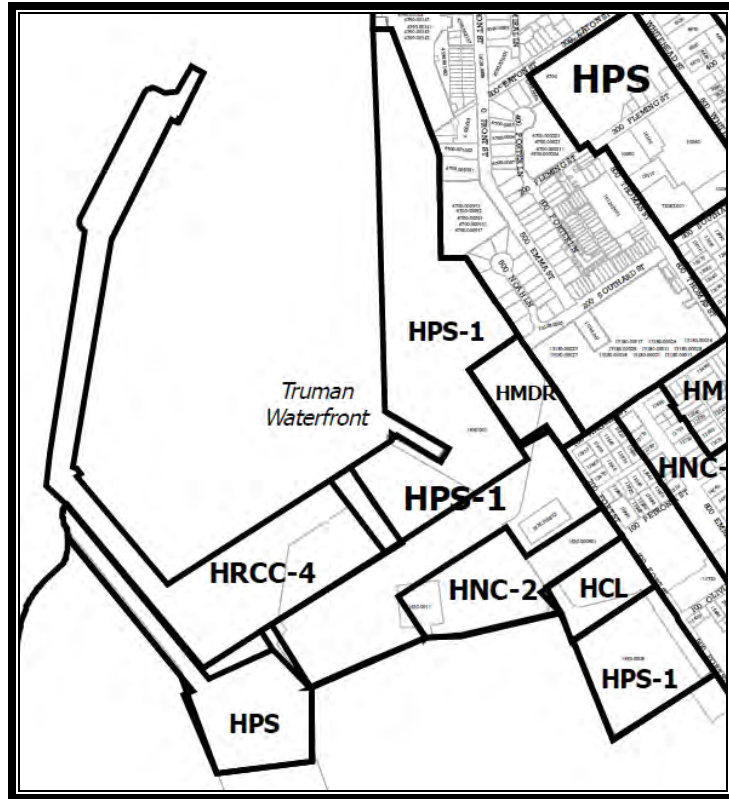
1. The Navy retracted portions of the original upland land conveyance including the civilian/public access to and use of the Navy Mole Pier, and the Navy Truman Harbor (Map 2 below);
2. The adopted Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012 (Exhibit B); and
3. The adopted Future Land Use Map amendments adopted by the City Commission on March 5, 2013 (Exhibit C).

As a result of the changes above, the uses currently required by the Comprehensive Plan for the HRCC-4 Future Land Use District, are inconsistent with the use of the land as a regional public park, and with the physical configuration of the district. As a result of the Navy taking back the Navy Mole Pier and the Navy Truman Harbor properties, the HRCC- 4 district parcel no longer has access to the waterfront and the requirement that land uses be water dependent are impossible. The new Future Land Use Map has been adopted to reflect the ownership change (Exhibit C).

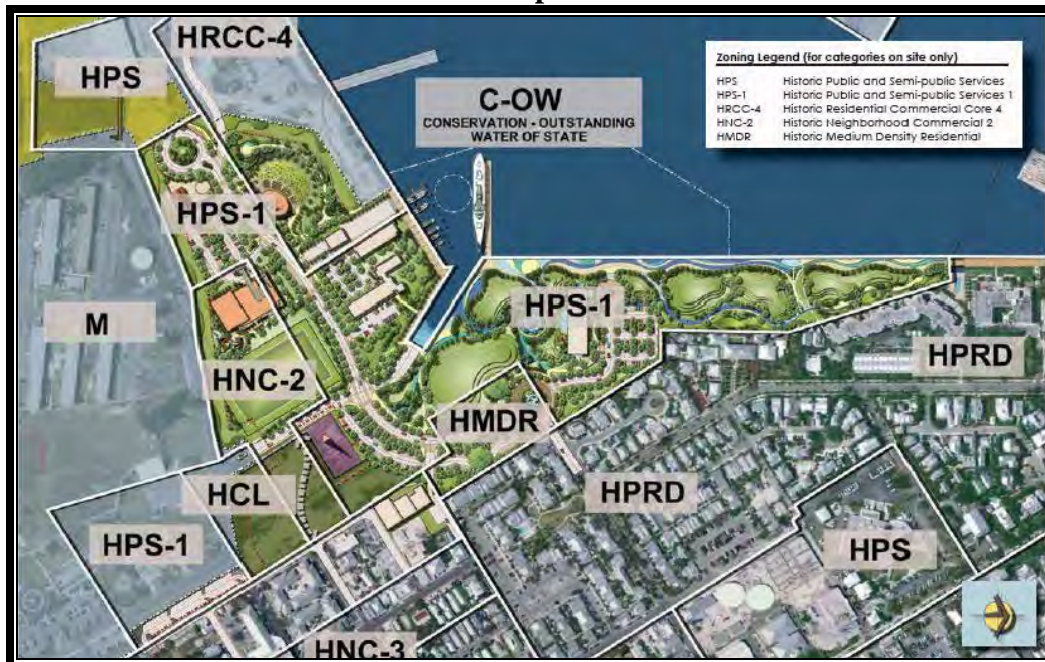
Further, the adopted Truman Waterfront Park Master Plan was designed and approved by the City Commission sitting as the LRA based on several years of community meetings and committee hearings where input was collected for the desired uses of the Truman Waterfront parcel; and the restrictions of the Land Conveyance Deed and Base Reuse Plan. The Master Plan attached herein as Exhibit B (and Map 2 below), utilizes the entire Truman Waterfront parcel, currently under City control for use as a regional public park with play fields, open space and associated cultural and recreational uses. It is the desire of the City and its citizens that the property remain as a regional public park and not be used for other purposes; therefore, the land use policy should reflect that.

Therefore, the proposed amendments for the HRCC-4 Future Land Use district eliminate the water related, industrial, and residential uses currently allowed and replace the allowed use as regional park with recreational facilities and associated accessory uses. The proposed amendments facilitate the development of the adopted Truman Waterfront Park Master Plan as approved by the LRA.

Map 1



Map 2



Process

When amending the Plan the city is bound by Chapter 163.3184 F.S. that outlines Comprehensive Plan requirements and the transmittal of corresponding supportive data and analysis that the local government deems appropriate, and defines the State Coordinated Review process for Areas designated Critical State Concern.

Criteria for approving amendments to Comprehensive Plan Future Land Use Map:
Section 90-555

In evaluating proposed changes to the Comprehensive Plan, 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.

The proposed amendments to eliminate the water related, industrial and residential uses and replace them with parks uses are consistent with the overall Comprehensive Plan and relevant policies.

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

The proposal is in conformance with the Code of Ordinances for amending the Comprehensive Plan. The proposed Amendments are intended to clarify outdated information in the Comprehensive Plan that will be amended in concurrence with this Plan adoption as required.

(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 changes support or work against the proposed change.

The proposed amendments to the Comprehensive Plan are in response to several land use conditions that have changed since the original Truman Waterfront parcel land conveyance and the adoption of the Future Land Use Map and HRCC-4 Future Land Use District. Those changed conditions are as follows:

1. The Navy retracted portions of the original upland land conveyance including the civilian/public access to and use of the Navy Mole Pier, and the Navy Truman Harbor;
2. The adopted Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012; and
3. The adopted Future Land Use Map amendments adopted by the City Commission on March 5, 2013.

(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 proposal to allow park uses within the HRCC-4 Land Use District promotes less intensive land uses and compatibility with contiguous park lands and the adopted Truman Waterfront Park Master Plan.

(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 obtain a concurrency determination pursuant to Chapter 94.

The proposal will not result in demands on public facilities. In fact the proposed land use changes reduce the potential demand on some public facilities and helps the City to meet Level of Service standards to improve public access to parks and recreation facilities.

(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 proposal will not result in adverse impacts to the natural environment and the proposed uses are less impactful than the current Plan uses. No wetlands, wildlife habitats, or vegetative communities exist in the land use district.

(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 proposed amendments provide support for park design improvements that will enhance the general welfare of the citizens and may improve surrounding property values. The proposed amendments will not adversely affect property values.

(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.

No changes are proposed as part of the HRCC-4 FLU amendments that will result in a change to the land use pattern. The proposed changes to the Future Land Use element will provide more compatible land uses and eliminate the potential for industrial and residential land uses and density potential and reduce intensity potential. No changes are proposed to density or intensity allowances.

(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 subpart B and the enabling legislation.

The proposal is not in conflict with the public interest and it is in harmony with the purpose and interest of subpart B and the enabling legislation.

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

No other matters had been identified at the time this report was prepared.

RECOMMENDATION

Staff recommends that the Planning Board forward a recommendation of approval to the City Commission for the proposed HRCC-4 district Future Land Use element Comprehensive Plan amendment.

Attachments

Exhibit A: City's Military Base Reuse Plan

Exhibit B: October 15, 2012 adopted Truman Waterfront Park Master Plan

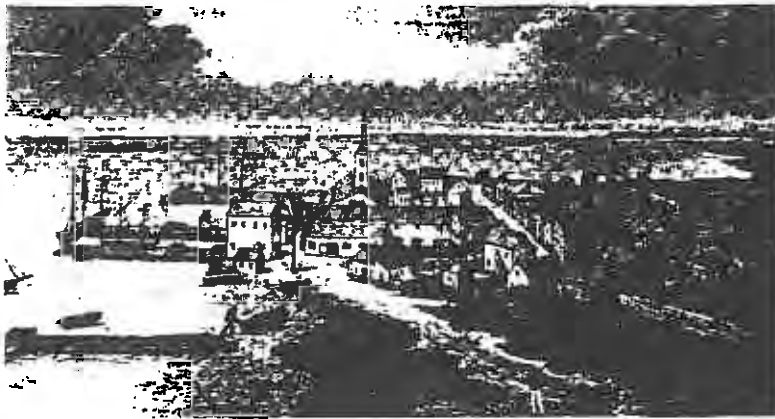
Exhibit C: Future Land Use Map

Exhibit D: Comprehensive Plan Future Land Use Element Excerpt

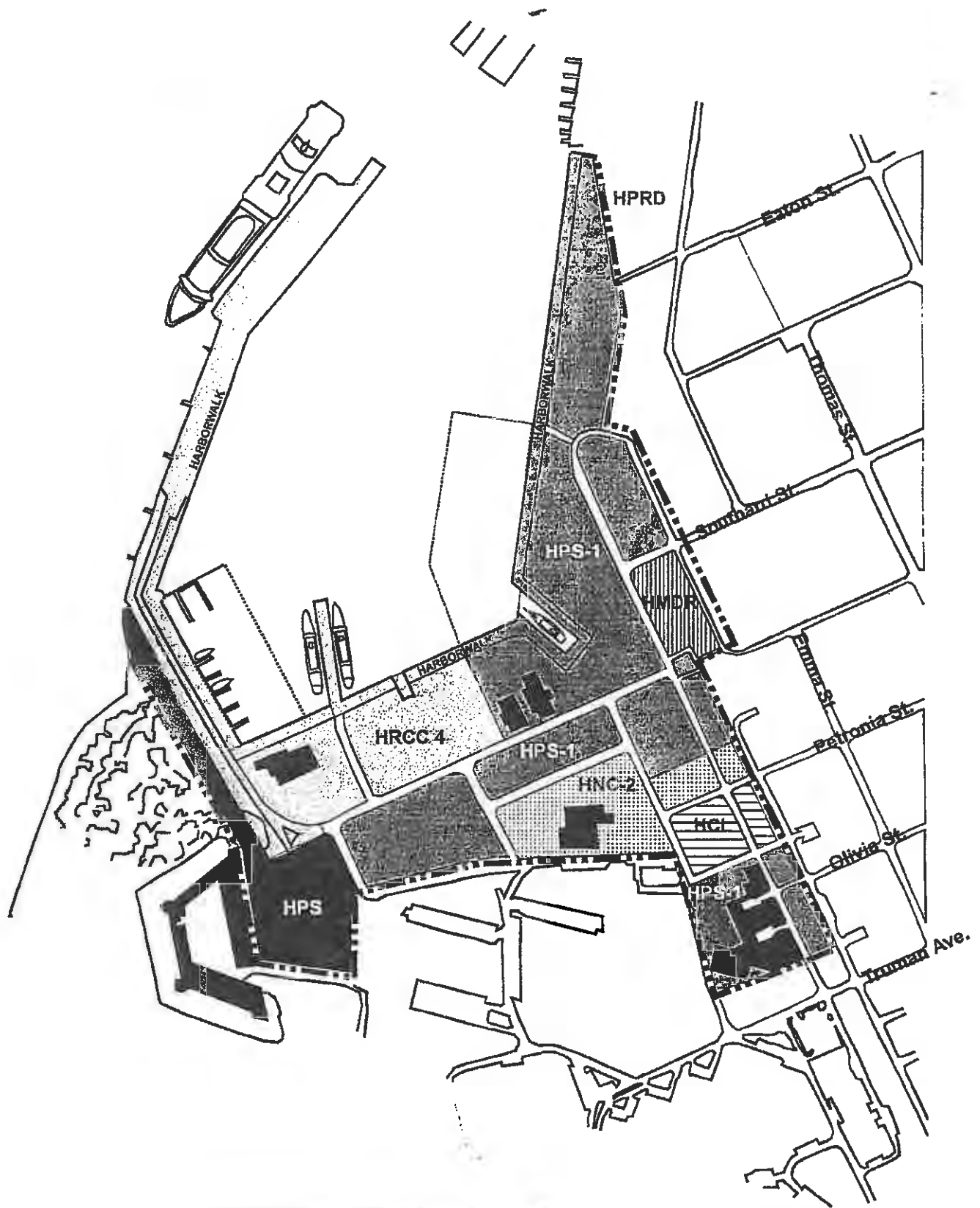
K:\Comprehensive Plan\2014 -\HRCC-4 LUE Amendment\Staff Report.doc

Exhibit A

KEY WEST CHAPTER 288 MILITARY BASE REUSE PLAN



Data & Analysis
September 8, 1999



Legend

- SITE BOUNDARY
- HRCC-4 PORT & PORT-RELATED ACTIVITIES
- HNC-2 NEIGHBORHOOD COMMERCIAL
- HPS-1 HISTORIC PUBLIC SERVICES - TRUMAN WATERFRONT
- HNC LIMITED COMMERCIAL
- HPS-1 MEDIUM DENSITY RESIDENTIAL
- HPS-1 HISTORIC PUBLIC SERVICES

Figure III.B.8
**Proposed Land Use Classification
 TRUMAN WATERFRONT PARCEL
 KEY WEST MILITARY BASE REUSE PLAN**


 Not to Scale


REGISTERED - AIAA
 & ARCHITECTS - INC.

Exhibit B



Truman Waterfront Park











THE CITY OF KEY WEST
DATE: 10-2-2012

Exhibit C



Legend

Future Land Use

-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Historic Residential
-  General Commercial
-  Historic Commercial
-  Public Service
-  Historic Public/Semi-Public
-  Conservation
-  Military

Note: Rights-of-way are indicated on City Road Maps.



Note: Original Scale is 1" = 800 feet

CITY OF KEY WEST - PROPOSED FUTURE LAND USE MAP 10-2012

Exhibit D



FUTURE LAND USE ELEMENT

Policy 1-1.1.6: Historic Preservation Areas: Areas delineated on the Future Land Use Map for historic preservation shall be planned and managed using a regulatory framework designed to preserve the form, function, image, and ambiance of the Historic Preservation Districts. Dependent upon the size and scope of development proposals, either the City's Historic Architectural Review Commission (HARC) and/or Historic Preservation Planner, in addition to the Planning Board and/or staff, shall review all development proposals within the City's designated historic districts. Any development plans for these areas shall be subject to site plan review and shall be designed in a manner compatible with historic structures within the vicinity.

Policy 1-1.1.7: Accessory Units in Low Density Residential: Areas designated Low Density Residential on the Future Land Use Map may include one (1) accessory attached or detached unit per principal dwelling unit if the accessory unit is approved pursuant to the provisions of this Policy. The ultimate number of accessory units that can be approved is limited by the Building Permit Allocation system that regulates all residential development. Accessory units have been found to have a lower impact on public facilities and trip generation than principal dwelling units because fewer persons reside in the units and fewer cars are associated with such units, and are therefore considered to be equivalent to .78 of one unit for purposes of measuring Level of Service Impacts and for allocating remaining units under the Building Permit Allocation System. Developers of new primary residents may build an accessory unit at the same time.

Accessory units must be affordable; restricted to occupancy by permanent residents; and cannot be sold separately as a condominium. When an accessory unit occupancy permit is originally initiated, the principal unit must be owned and occupied by a permanent resident; if the principal unit is under construction, occupancy is not a requirement. An accessory unit or SRO cannot take up more than forty percent (40%) of the principal structure nor can it exceed six hundred (600) square feet. No accessory unit shall have more than one bedroom unless an additional bedroom is approved as a variance by the Planning Board. If such variance is approved, the total square footage shall not exceed seven hundred (700) square feet.

Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core: The historic residential commercial core (HRCC) zoning district located within the Historic Commercial Future Land Use District is designed to accommodate the Historic Preservation District residential commercial core mixed use center. The HRCC zoning district is intended to provide a management framework for preserving the nature, character and historic quality of the Historic Preservation District commercial core, including related residential development.

The **HRCC-1** zoning sub-district encompasses the Duval Street Gulf side tourist commercial core, which provides an intensely vibrant tourist commercial entertainment center characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. The commercial entertainment center spans Duval



FUTURE LAND USE ELEMENT

Street generally from the Pier House Hotel south to Petronia Street, and is the most intense activity center in the historic commercial core.

The **HRCC-2** zoning sub-district encompasses the Key West Bight area and adjacent areas. The maximum floor area ratio shall be 0.5. Areas zoned HRCC-2 shall carry a base density of 16 units per gross acre.

The **HRCC-3** zoning sub-district comprises the Duval Street Oceanside corridor from Petronia Street south to United Street. This corridor serves as a center for arts, crafts, gifts, designer goods, restaurants, and tourist accommodations. Structures within this corridor generally have retained a front facade which is much less commercialized relative to the entertainment center on the Gulf side of Duval Street HRCC-1 District. The front facades generally have much smaller storefront windows and frequently incorporate a residential vernacular characterized by wood frame windows, equipped with mullions, and wood clapboard siding. This area shall be regulated by more restrictive performance standards than those applicable to the HRCC-1 area. The criteria shall require larger open space ratios, design standards which preserve and reinforce the physical characteristics of the area, and land use restrictions which exclude sidewalk bars and lounges which may produce excessive noise incompatible with surrounding residential activities.

The **HRCC-4** zoning sub-district comprises a portion of the Truman Waterfront Parcel of the Key West Base Reuse Plan. This district represents areas historically used by the military for marine-related services and port-related activities. Appropriate uses in the HRCC-4 sub-district include the following uses so long as they are water-dependent or water-related: light manufacturing, light industrial and warehousing, service and repair, terminal operations, port operations, cruise ship berthing, offices, marinas, and parks and recreation. Permanent residential units can be allowed as a conditional use so long as those units are less than 750 square feet or 25 percent of the other uses on-site, whichever is less. Cruise ship home porting and car ferries are prohibited.

Policy 1-1.1.9: Allowed Uses in Historic Neighborhood Commercial: Areas zoned Historic Neighborhood Commercial within the Historic Commercial Future Land Use District are intended to accommodate both residential and neighborhood commercial uses typically located along major thoroughfares which lead into or are adjacent to the central core commercial area of the City of Key West. Residential activities within this designated area include single family and duplex structures and multiple-family structures. Commercial uses generally permitted in the area include:

1. Professional offices;
2. Restaurants;
3. Banking and financial institutions;
4. Personal service shops;
5. Specialty shops;