



EXECUTIVE SUMMARY

To: Patti McLauchlin, City Manager

Through: Shawn D. Smith, City Attorney

From: Nathalia A. Mellies, Assistant City Attorney

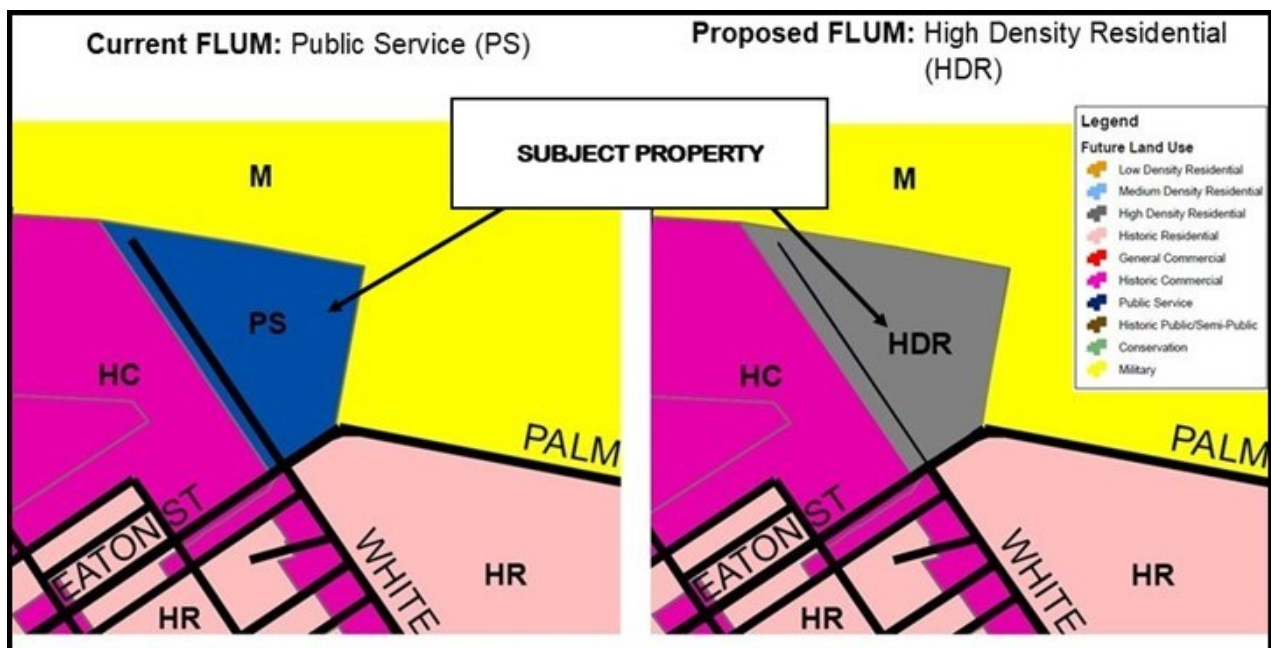
CC: Katie Halloran, Planning Director

Meeting Date: October 19, 2022

RE: **Text Amendment of the Comprehensive Plan** – An Ordinance of the City of Key West, Florida, amending the City’s Comprehensive Plan, Chapter 1, Entitled “Future Land Use Element”, amending boundaries of the Public Service (PS) and High Density Residential (HDR); Pursuant To Chapter 90, Article VI, Division 3 of the Land Development Regulations; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for inclusion into the City of Key West Comprehensive Plan; Providing for an effective date.

ACTION STATEMENT:

The purpose of this ordinance is to amend the City’s Comprehensive Plan to allow for a site-specific amendment to the Comprehensive Plan Future Land Use Map (FLUM) from Public Service (PS) to High Density Residential (HDR) (see image below).



Current FLUM and Proposed FLUM

BACKGROUND:

The property located at 301 White Street (RE # 00001780-000000; AK # 1001864) is an 8.77 acre parcel located within the Public Service (PS) Zoning District. The parcel and improvements are owned by the Housing Authority of the City of Key West, Florida (KWA) and is subsidized by the United States Department of Housing and Urban Development (HUD). The property contains eighteen buildings, with a total of 136 residential dwelling units. All the units are public housing, limited to residency by low-income families and individuals. Households pay thirty percent of their monthly adjusted income for rent.

The aerial image (see image below) shows the location of the subject property.



Aerial Map of the Subject Property

Prior to 1997, the FLUM designation for the property was also PS (Public Service) (see image below).



FLUM Prior to 1997

The construction of the 136 units began in December of 1940, over 80 years ago, and the structures have far exceeded their useful life. Currently, the KWHA is plagued by high maintenance and repair costs, and those expenses continue to grow. It has been determined that the best path forward for the property is to demolish the structures and replace them through HUD’s Rental Assistance Demonstration (RAD) program. Preserving affordable housing, particularly in Key West, is crucial. In addition to the 136 families that the subject property currently serves, as of September 9, 2022, there are 1,917 additional families on the public housing wait list.

The current designation (PS) prohibits residential use. Since the subject property was developed prior to the current FLUM designation, its use is considered nonconforming. Because the PS FLUM designation does not allow residential uses, the KWHA cannot move forward with its current plan for redevelopment.

In order for the KWHA to move forward with redevelopment, an amendment to the City’s Comprehensive Plan Future Land Use Map (FLUM) is required. Additionally, based upon the surrounding FLUM designations and uses and the City’s dire need for additional affordable housing, an appropriate designation for the subject property would be High Density Residential, which would be in line with the concurrent request for an amendment to the City’s Official Zoning Map.

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 designation 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 property. The current zoning is Public Service (PS). The proposed zoning is High Density Residential (HDR).

SURROUNDING FLUM AND USES:

Direction	Official Zoning Map Designation	Property Uses
North	Military	Military uses
South	Historic Commercial & Historic Residential	Commercial retail, multi-family housing units, and single-family housing units
East	Military	Military uses
West	Historic Commercial	Commercial retail, multi-family public housing units, multi-family non-transient rental units

FUTURE LAND USE MAP (FLUM) AMENDMENT PROCESS:

Planning Board Meeting	September 15, 2022 (approved PB Res. 2022-046)
City Commission (1 st Reading / Transmittal):	October 19, 2022
City Clerk renders 1 st Reading to DEO:	10 working days
DEO Review:	Up to 60 days
City Commission (2 nd Reading / Adoption):	Within 180 days after Objections, Recommendations and Comments (ORC)
Local Appeal Period:	30 days
Rendering to DEO by City Clerk:	10 working days
DEO Review:	Up to 45 days
DEO Notice of Intent (NOI):	Effective when NOI posted to DEO site

PLANNING STAFF 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.

**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.

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 maintain its natural, historic and cultural 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 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 1-1.2.1: Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use.
- Policy 1-1.13.2: Compatibility with Military Installations.
- Policy 3-1.1.1: Housing Assistance, Information and Referral Services
- Policy 3-1.1.11: Selecting Sites for Affordable Housing for Low and Moderate Income Households
- Policy 3-1.1.13: South Florida Regional Planning Council Initiatives

The proposed amendment would possibly increase the demand for some public facilities due to the increase in density. However, existing infrastructure will accommodate proposed residential developments; as such, any increased demand would be relatively small as the parcel currently has 136 residential dwelling units on the property. Additionally, the total size of the property and the dimensional requirements of the HDR zoning district limits development potential, therefore, any potential future 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. The planning board file and executive summary contain all of the information required by Code Section 90-554 for FLUM amendments.

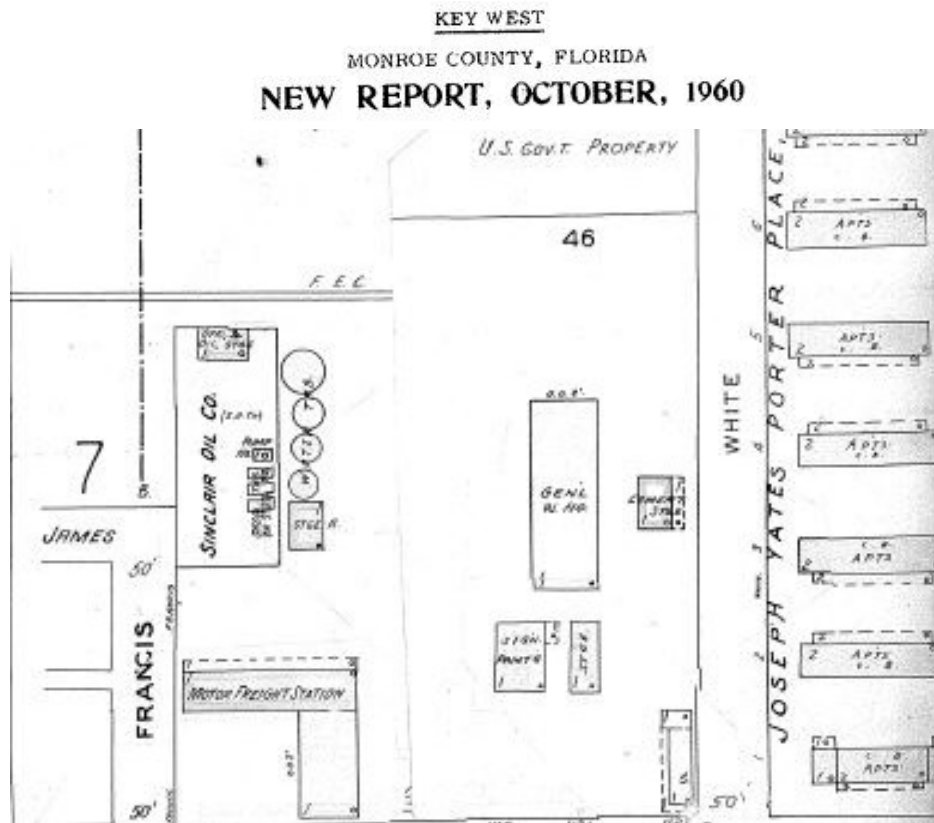
- (1) *Property description.*
- (2) *Current and proposed comprehensive plan land use map designation.*
- (3) *Current and proposed zoning.*
- (4) *Existing and proposed use.*
- (5) *Disclosure of ownership.*
- (6) *Justification.*
 - a. *Comprehensive plan consistency.*
 - b. *Impact on surrounding properties and infrastructure.*
 - c. *Avoidance of special treatment.*
 - d. *Undeveloped land with similar comprehensive plan future land use map designation.*

(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. The new Future Land Use Map maintained the public service FLUM category that the property at

301 White Street previously had since the 1994 Comprehensive Plan and the 1997 Land Development Regulations.

The Sanborn maps document multi-family residential uses on the property, specifically public housing. 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.



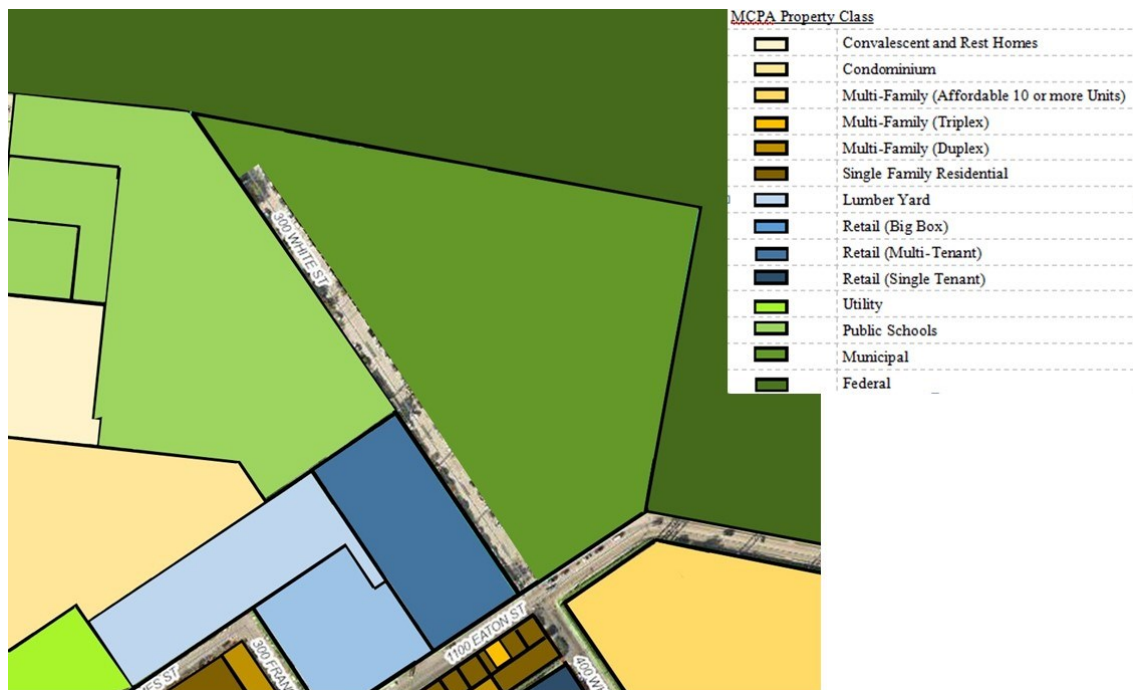
The Sanborn Map of 1960

(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 at 301 White Street is currently used as residential public housing. The proposed residential use of the property will be consistent with the adjacent HSMDR and HRCC-2 zoning districts as both allow multiple-family residential dwelling uses as-of-right. The property at 301 White Street is currently used for residential purposes. The proposed HDR FLUM and HDR zoning district would allow for an increase in density concurrent with its current use but prohibit other uses that would potentially be incompatible with the surrounding land uses.

Consistent with the Comprehensive Plan, development in the district shall be directed toward maintaining and/or revitalizing existing housing structures, preventing displacement of residents, and compliance with concurrency management.

The map on the following page shows the general land uses of properties (property classes) within 300 feet of the subject property.



Aerial Map of the Subject Property and 300-Foot Radius of Surrounding Uses

(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 Chapter 94.

A concurrency analysis concludes that the demand for public facilities would possibly increase for some public facilities due to the increase in density. However, existing infrastructure will accommodate proposed residential developments; as such, any increased demand would be relatively small as the parcel currently has 136 residential dwelling units on the property and would be limited by the rezoning to 192 dwelling units. Therefore, the proposed FLUM amendment is not anticipated to result in the capacity of any public facilities being exceeded. Additionally, because the proposed expansion would qualify as a major development plan, the proposed development would be reviewed and mitigated if necessary at the time of a proposed development.

(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 or wildlife habitats 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 millage group for the property is 10KW. The proposed FLUM amendment is not expected to adversely affect the property values in the area or the general welfare.

(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 current use of the property and would result in an orderly and compatible land use pattern. The Sanborn maps document historic residential uses of the subject property dating back to at least the 1940s. Orderly and compatible uses of the properties would be ensured through the application of the City's LDRs.

(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 it is in harmony with the purpose and interest of the LDRs and the Comprehensive Plan.

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

The housing needs of City residents currently far outweigh available housing within the City. Due to this, the housing situation has reached dire straits within the City, creating a critical situation. The result of the proposed FLUM amendment and the related zoning map amendment would be to accommodate the supply of housing responsive to the diverse housing needs of the existing and projected future population and to provide affordable quality public housing.

OPTIONS / ADVANTAGES / DISADVANTAGES:

Option 1: **Approve** the text amendment to the City's Comprehensive Plan to allow for a site-specific amendment to the Comprehensive Plan Future Land Use Map from Public Service to High Density Residential as recommended by the Planning Board through Resolution no. 2022-46

- a. Financial Impact:**
There will be no cost to the City if this request is approved.

Option 2: **Deny** the text amendment to the City's Comprehensive Plan to allow for a site-specific amendment to the Comprehensive Plan Future Land Use Map from Public Service to High Density Residential.

- a. Financial Impact:**
There will be no cost to the City if this request is denied.

RECOMMENDATION:

As per Planning Board Resolution 2022-46, the Planning Board, the Legal Department and Planning Staff recommend to the City Commission Option No. 1 for **approval** of the text amendment to the Comprehensive Plan.