

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



**To:** Chair and Planning Board Members

**Through:** Thaddeus Cohen, Planning Director

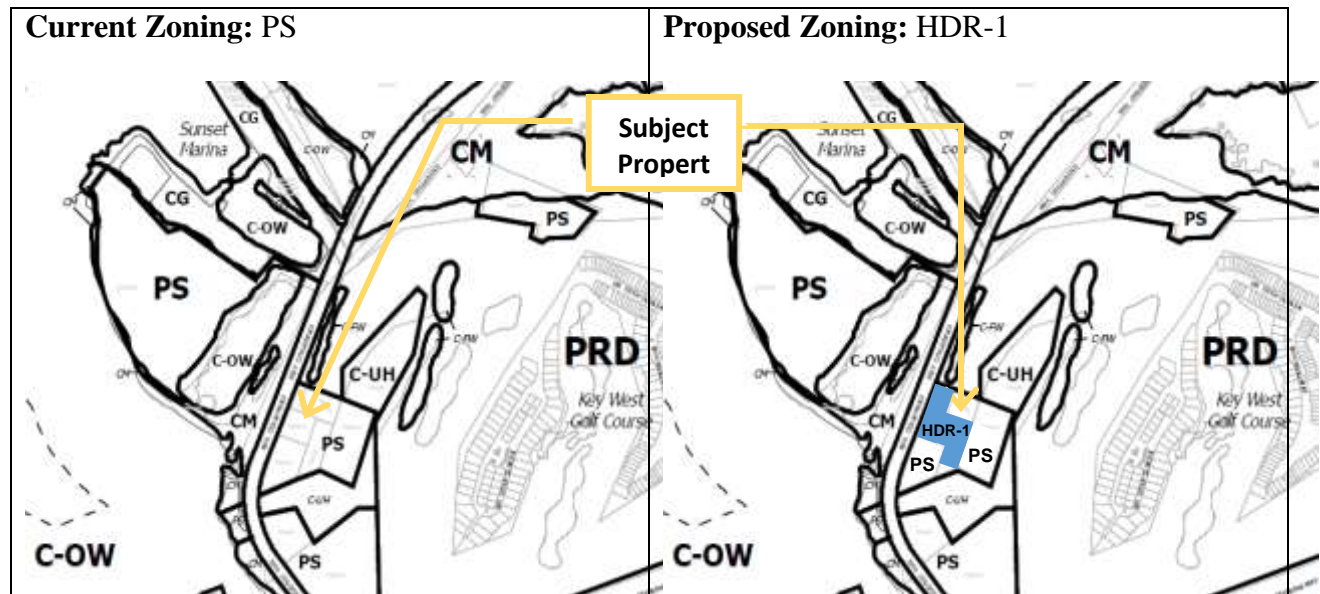
**Meeting Date:** August 18, 2016

**Agenda Item:** **Text Amendment and Official Zoning Map 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, amending the Land Development Regulations, and the Official Zoning Map; amending the Official Zoning Map Legend; amending Chapter 122, Article IV, Division 3, to create a new zoning subsection of High Density Residential College Road (HDR-1) District, providing for permitted uses, conditional uses, prohibited uses and dimensional requirements; amending Chapter 122, Article IV, Division 1, providing amendments to the tables of uses and dimensional requirements for High Density Residential College Road (HDR-1) District; 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:** A site-specific amendment to the Land Development Regulations and the Official Zoning Map from Public Service (PS) to High Density Residential College Road (HDR-1).

**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 Land Development Regulations and the City’s Official Zoning Map for the subject property. The current zoning is Public Service (PS). The proposed zoning is High Density Residential College Road (HDR-1). Concurrent with the FLUM amendment, the applicant is also 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).

**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)

**Text Amendment and Official Zoning Map Amendment Process:**

Planning Board:	August 18, 2016
If denied, then appeal may be filed within 10 calendar days.	
City Commission (1st Reading)	TBD
City Commission (2nd Reading)	After DEO review of FLUM amendment
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 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 amending the Land Development Regulations and changing the boundaries of the Official Zoning Map. 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 subdivision, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-522(a), the Planning Board, regardless of the source of the proposed change in the LDRs, 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 of zoning to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-521 and 90-522.

**Sec. 90-522. Planning Board review of proposed changes in land development regulations.**  
**(a) The planning board, regardless of the source of the proposed change in the land development regulations, 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 of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.**

The City Planner has worked closely with city staff to research and review the proposed Land Development Regulations for the new zoning district HDR-1. The Planning Board will hold a public meeting on January 21, 2016 in order to review proposed changes to the Land Development Regulations.

**Criteria for Approving Amendments to Official Zoning Map pursuant to Code Section 90-521.** In evaluating proposed changes to the Official Zoning Map, the City shall consider the following criteria:

**(1) Consistency with plan. Whether the proposal is consistent with 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 requirements. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.**

The conformity of the proposed zoning map 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 effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.**

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the last 18 years, the Comprehensive Plan and LDRs were amended from time-to-time. More recently, a new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013. Since the adoption of the new Comprehensive Plan, the LDRs and the Official Zoning Map have not been significantly amended, with the exception of the new Building Permit Allocation System

(BPAS) ordinance. Although an overhaul of the LDRs is planned for the next year, the current LDRs and zoning map originate from the 1994 Comprehensive Plan.

The property has been located within the PS Zoning District since the 1994 Comprehensive Plan and the 1997 Land Development Regulations. Before that, 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.

Allowed uses within the proposed PS Zoning District are listed in Code Sections 122-1017 and 122-1018. The following table summarizes the differences in allowed uses between the current PS and the proposed HDR-1 Zoning Districts. P = Permitted; C = Conditional Use.

	Existing PS	Proposed HDR-1
<b><i>Residential Uses</i></b>		
Single-family and two-family residential dwellings		
Multiple-family residential dwellings		P
Group homes with less than or equal to six residents		P
Group homes with seven to 14 residents		C
<b><i>Community Facilities</i></b>		
Places of worship		C
Protective services	C	C
Public and private utilities	C	C
Community centers, clubs and lodges	P	
Educational institutions and day care facilities	P	C
Golf course facilities	P	
Nursing homes, rest homes and convalescent homes	P	C
Parks and recreation, active and passive	P	C
Business and professional offices	P	
Medical services	P	
Parking lots and vehicular storage facilities	P	C

	Existing PS	Proposed HDR-1
Veterinary medical services, with or without outside kennels	P	
Government operated transit facilities	P	
Governmental administration buildings	P	
Essential public services and facilities inclusive of, but not limited to, drainage facilities, and emergency services; i.e., staging areas responsive to declared emergency, with the exception of shelters for the homeless, which are regulated as a conditional use	P	
Non-recreational open spaces	P	
Temporary storage, for less than six (6) months, of construction materials and debris generated by storms or other natural disasters.	P	
Other similar activities such as uses critical to government function, uses for essential public services, uses to serve social and cultural needs not otherwise listed.	P	
Government maintenance facilities and garages.	P	
Emergency shelters for the homeless, and shelters for temporarily housing the homeless	C	C
Cemeteries	C	
Funeral homes and crematoriums	C	
Cultural and civic activities, inclusive of museums, theatres and stadiums	C	
Marinas.	C	
Restaurants and food service facilities associated with recreational activities	C	
Solid waste and recycling transfer and storage facilities	C	

- (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. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to Code Chapter 94.

The proposed 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 zoning map 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 zoning map amendment would create a new sub-district within the HDR Zoning District. The new 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 the land development regulations in this subpart B and the enabling legislation.**

The proposed zoning map 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 zoning map amendment and the related FLUM 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 housing.

In summary, the proposed HDR-1 zoning regulations contained in the proposed Ordinance are as follows:

<b>Density</b>	40 dwelling units per acre
<b>FAR</b>	Not applicable
<b>Height</b>	40 feet
<b>Permitted Uses</b>	Multiple-family residential dwellings; and Group homes with less than or equal to six residents
<b>Conditional Uses</b>	Group homes with seven to 14 residents; Educational institutions and day care;

	Nursing homes, rest homes and convalescent homes; Parks and recreation, active and passive; Places of worship; Protective services; Public and private utilities; and Parking lots and facilities Emergency shelters for the homeless, and shelters for temporarily housing the homeless
<b>Setbacks</b>	Multiple-family and community facilities Front: 20 feet Side: 10 feet Rear: 10 feet Street Side: 10 feet
<b>Lot Coverage</b>	Building Coverage: 40% Impervious surface: 60%
<b>Lot Size</b>	1 acre Depth: 100 feet Width: Multiple-family and community facilities: 80 feet

**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 Land Development Regulations and the Official Zoning Map be **APPROVED**.