



## EXECUTIVE SUMMARY

**To:** Greg Veliz, City Manager

**Through:** Katie P. Halloran, Planning Director

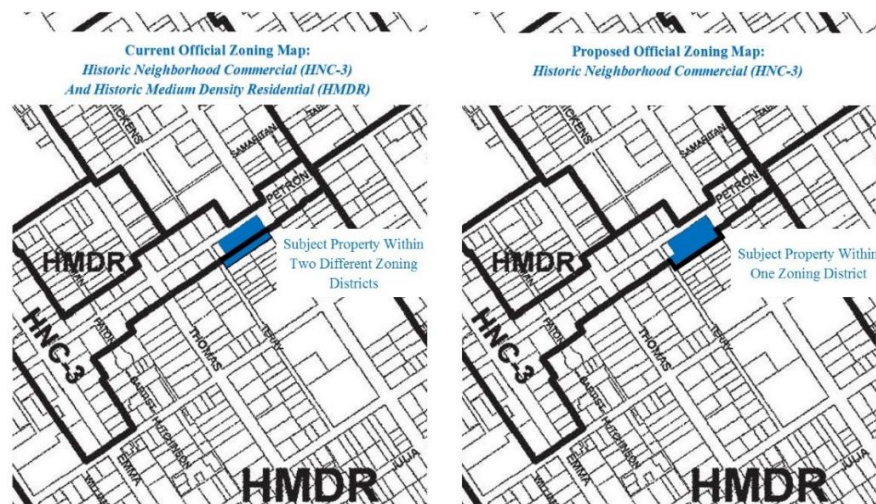
**From:** Roy Bishop, Planning Consultant

**Meeting Date:** March 3, 2020 (postponed by the applicant)  
April 7, 2020 (postponed)  
May 5, 2020

**RE:** **Text Amendment of the Official Zoning Map** – An Ordinance of the City of Key West, Florida, amending the boundaries of the Official Zoning Map categories of the Historic Medium Density Residential (HMDR) and the Historic Neighborhood Commercial District (HNC-3) pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### ACTION STATEMENT:

The purpose of this ordinance is to amend the City's Official Zoning Map to allow for a site-specific amendment to the Official Zoning Map from the Historic Medium Density Residential (HMDR) to the Historic Neighborhood Commercial District (HNC-3) (see image below).



*Current Official Zoning Map and Proposed Official Zoning Map*

### BACKGROUND:

The property at 318-324 Petronia Street (802-806 Whitehead Street) is a corner lot with frontage on Whitehead Street, Petronia Street, and Terry Lane. A portion of the parcel, totaling 10,271-square-feet, is within the Historic Neighborhood Commercial (HNC-3) zoning district. The

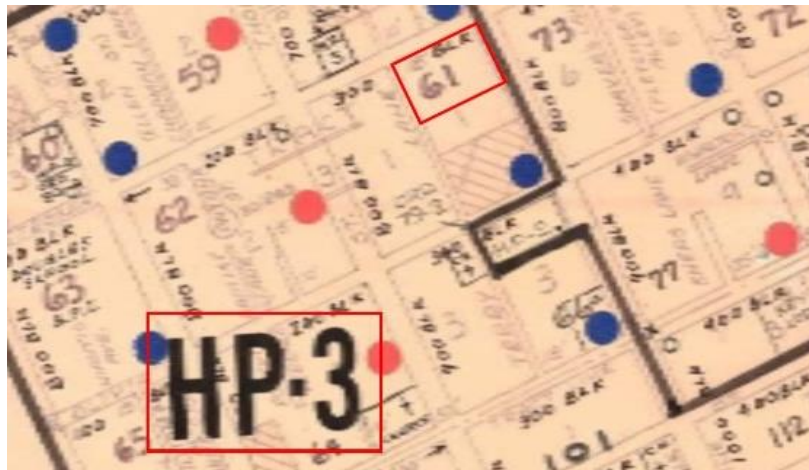
balance of the property, 6,048-square-feet, is within the Historic Medium Density Residential (HMDR) zoning district.

The aerial image (see image below) shows the dividing line, with the top portion of the parcel within the HNC-3 district and the bottom portion of the parcel within the HMDR district.



*Aerial Map of the Subject Property*

The property also falls within two zoning districts on the Future Land Use Map (FLUM) (HC and HR). Prior to 1997, the zoning for the property was HP-3 (Light Commercial Historic Preservation) (see image below).



*Zoning Map Prior to 1997*

The property received a conditional use approval to operate a 150-seat restaurant through Resolution no. 2011-059. In 2015, a minor modification of the conditional use approval was granted to allow a reduction in outdoor consumption area (76-square-foot) and an increase in indoor consumption area (76-square-foot). Restaurant use is a conditional use of the HNC-3 zoning district and it is a prohibited use in the HMDR zoning district.

A search of city licensing records revealed the following active licenses at the subject property:

License No.	Business Name	Location Address	Description	Comments
2019-000380	Blue Macaw Island Eats & Bar	804 Whitehead Street	Restaurant with 120 or more seats	Authorized for 150 seats-CUP # 29152
2019-000381	Blue Macaw Island Eats & Bar	804 Whitehead Street	Entertainment permit for live or	(none)

			recorded amplified music	
2019-000382	Blue Macaw Island Eats & Bar	804 Whitehead Street	Conditional use permit	Resolution #2011-059
8543	Old Town Key West Development LTD	806 Whitehead Street	Parking lot	(none)
10188	Bahama Village Market LLC	804 Whitehead Street	Non-transient residential rental units	Three non-transient rental units
29294	Historic Tours	320 Petronia Street	Revocable license for awnings or signs	Awning at 320 Petronia

**REQUEST / PROPOSED MAP AMENDMENT:**

The applicant is requesting an amendment to the City’s Official Zoning Map for the subject property. The current zoning map designations are Historic Neighborhood Commercial (HNC-3) and Historic Medium Density Residential (HMDR). The proposed zoning map category is Historic Neighborhood Commercial (HNC-3). Concurrent with the Official Zoning Map amendment, the applicant is also requesting an amendment to the City’s Comprehensive Plan Future Land Use Map (FLUM) for the subject properties. The current zonings are Historic Commercial (HC) and Historic Residential (HR). The proposed zoning is Historic Commercial (HC). If approved, the request would result in an expansion of the HC FLUM and the HNC-3 zoning district.

**SURROUNDING ZONING DISTRICTS AND LAND USES:**

Direction	Official Zoning Map Designation	Property Uses
North	Historic Neighborhood Commercial - 3	Commercial retail, multi-family public housing units, multi-family non-transient rental units
South	Historic Medium Density Residential	Single-family, two-family, and multi-family housing units
East	Historic Neighborhood Commercial – 3 & Historic Medium Density Residential	Commercial retail, multi-family housing units, and single-family housing units
West	Historic Neighborhood Commercial – 3 & Historic Medium Density Residential	26-seat restaurant, single-family housing units, commercial retail

**CITY ACTIONS:**

Development Review Committee: May 23, 2019  
 Planning Board Meeting: July 18, 2019 (postponed by the applicant)  
 August 15, 2019 (tabled by the board)  
 September 19, 2019 (postponed by staff)  
 October 17, 2019 (postponed by staff)  
 November 21, 2019 (postponed by board)  
 January 16, 2020 (approved PB Res. 2020-02)

City Commission (First Reading):	March 3, 2020 (postponed by the applicant) April 7, 2020 (postponed) May 5, 2020
City Commission (Second Reading/Adoption):	After DEO review of FLUM amendment
Local Appeal Period:	30 days
City Clerk renders to DEO:	10 working days
DEO Review:	Up to 45 days
DEO Final Order:	LDR amendment becomes effective when the final order is received

**PLANNING STAFF 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 changing the text of the land development regulations or 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 division, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

**CRITERIA FOR APPROVING AMENDMENTS TO THE OFFICIAL LAND USE 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.**

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 Official Zoning Map amendment would not be inconsistent with the overall purpose of the Comprehensive Plan.

The proposed Official Zoning Map 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 1-1.1.6: Historic Preservation Areas.
- 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 1-1.2.2: Promote Orderly Land Use Transition.
- Policy 1-1.3.2: Designate Various Types of Mixed-Use Commercial Nodes to Accommodate Diverse Commercial Uses.

The applicant's concurrency analysis states that there is no proposed development or change to the existing uses, therefore, the demand for public facilities would not change. However, the total size of the property (16,461-square-feet) and the dimensional requirements of the HNC-3 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 Official Zoning Map 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 Official Zoning Map amendment with all applicable requirements of the City Code is being evaluated herein. The submitted application and executive summary contains all of the information required by Code Section 90-520 for Official Zoning Map 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 spot zoning.*

d. *Undeveloped land with similar zoning.*

**(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 Land Development Regulations (the LDRs) were adopted on July 3, 1997 through Ordinance No. 97-10 following the adoption of the 1994 Comprehensive Plan. More recently, a new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013.

The new Future Land Use Map maintained the residential FLUM category that the property at 318-324 Petronia Street (802-806 Whitehead Street) partially had since the 1994 Comprehensive Plan and the 1997 Land Development Regulations. Prior to that, the property was zoned HP-3 (illustration below), which allowed residential uses as-of-right and allowed commercial and institutional uses as a special exception (similar to a conditional use).



*Zoning Map Prior to 1997*

The Sanborn maps document a historical mix of residential and nonresidential uses on the property. While land use and development conditions may not have changed much since the effective date of the 2013 Comprehensive Plan, the Plan does have policies that support expanding opportunities for mixed-uses and reducing automobile dependency while promoting walkable communities.

KEY WEST  
MONROE COUNTY, FLORIDA  
NEW REPORT, OCTOBER, 1960



*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 318-324 Petronia Street (802-806 Whitehead Street) is currently used for residential and nonresidential purposes. The proposed Historic Commercial (HC) FLUM and HNC-3 zoning district would allow for mixed uses but prohibit transient uses and bars that would potentially be incompatible with the surrounding land uses. The map below shows the general land uses of properties (property classes) within 300 feet of the subject properties. Allowed uses within the proposed HNC-3 zoning district are listed in Code Sections 122-867 and 122-868.

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

Pursuant to Code Section 122-866, the historic neighborhood commercial district (HNC-3) consists of the Bahama Village commercial core. The HNC-3 Bahama Village commercial core district includes the Bahama Village neighborhood commercial core along Petronia Street, approximately 200 feet southwest of Duval Street, and extends southwestward to the rear property lines of lots abutting the southwest side of Emma Street. The village area is a redevelopment area, including a commercial center linked to Duval Street. 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.

**(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 chapter 94.

The applicant's concurrency analysis concludes that the demand for public facilities would remain the same because there is no proposed development or change to the existing uses. Therefore, the proposed Official Zoning Map amendment is not anticipated to result in the capacity of any public facilities being exceeded.

**(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 Official 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 millage group for the subject property is 11KW. The proposed Official Zoning Map 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 Official Zoning Map amendment would result in the existing area within the HNC-3 category rather than create an isolated parcel with this designation. The Sanborn maps document historic residential and nonresidential uses of the subject property dating to the 1800s. Orderly and compatible uses of the properties would be ensured through the application of the City's LDRs and the Historic Architectural Review Committee (HARC) guidelines.

**(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 Official Zoning Map amendment would not be in conflict with the public interest, and it is in harmony with the purpose and interest of the LDRs.

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

The property at 318-324 Petronia Street (802-806 Whitehead Street) currently falls within two zoning designations. The proposed Official Zoning Map amendment will place the entire property within one (1) zoning district and allow the existing restaurant and retail use to continue in a conforming manner.

**OPTIONS / ADVANTAGES / DISADVANTAGES:**

**Option 1:** **Approve** the map amendment to the Official Zoning Map to allow for a site-specific amendment to the Official Zoning Map from Historic Medium Density Residential (HMDR) to Historic Neighborhood Commercial District (HNC-3) as recommended by the Planning Board through Resolution No. 2020-02



**a. Financial Impact:**

There will be no cost to the City if this request is approved.

**Option 2:** **Deny** the map amendment to the Official Zoning Map to allow for a site-specific amendment to the Official Zoning Map from Historic Medium Density Residential (HMDR) to Historic Neighborhood Commercial District (HNC-3).

**a. Financial Impact:**

There will be no cost to the City if this request is denied.

**RECOMMENDATION:**

As per Resolution No. 2020-02, the Planning Board recommends to the City Commission Option No. 1 for **approval** of the amendment to the Official Zoning Map.