



EXECUTIVE SUMMARY

To: Bogdan Vitas, City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Nicole Malo, LEED GA, Planner II

Meeting Date: September 17, 2013 – First reading

RE: 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.

Request To approve the proposed Comprehensive Plan Amendment for the HRCC-4 Land Use District

Background

The proposed amendments were heard and recommended for approval by the Planning Board on August 22, 2013.

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:

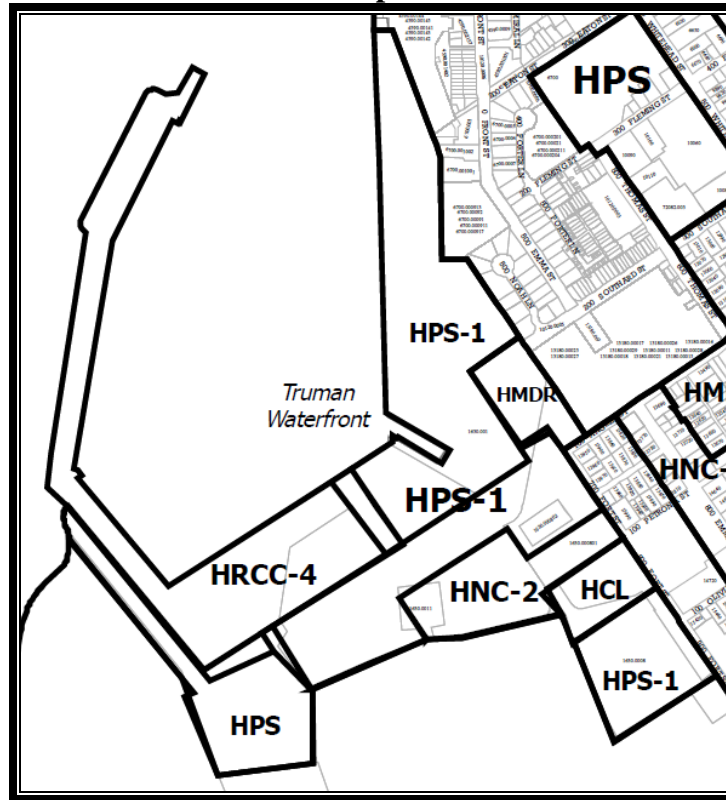
1. The Navy retracted portions of the original upland land conveyance including the civilian/public access to and use of the Navy Mole Pier, and the Navy Truman Harbor (Map 2 below);
2. The adopted Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment 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).

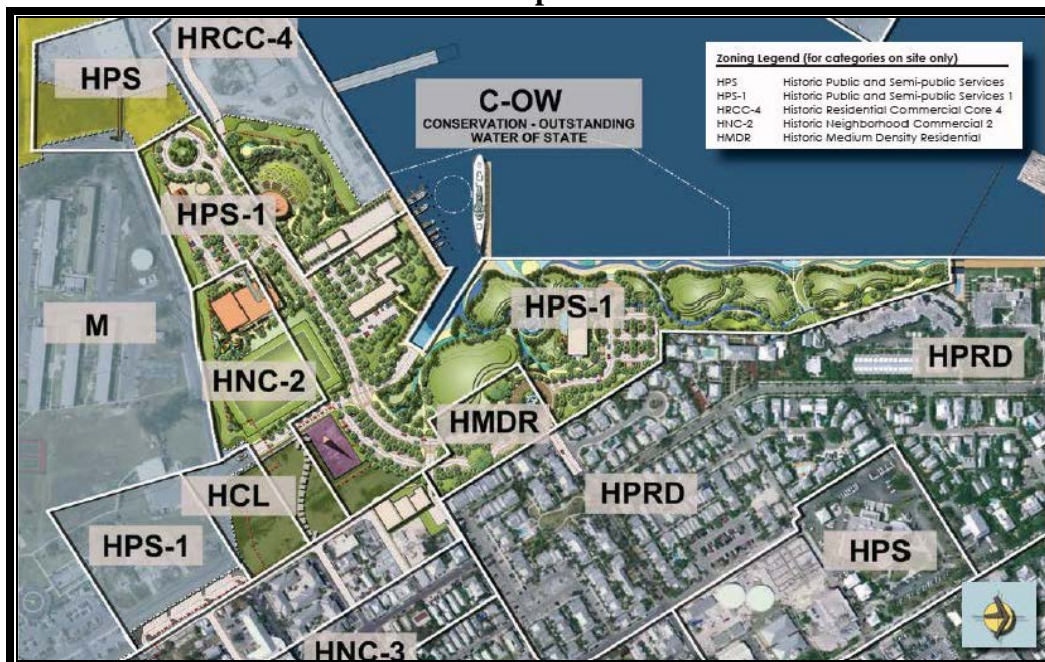
Further, the adopted Truman Waterfront Park Master Plan was designed and approved by the City Commission sitting as the LRA based on several years of community meetings and committee hearings where input was collected for the desired uses of the Truman Waterfront parcel; and the restrictions of the Land 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

The Planning Board and Staff recommends approval of the proposed Comprehensive Plan amendment for the HRCC-4 district Future Land Use District.

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

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