

EXECUTIVE SUMMARY



To: Bogdan Vitas, Jr., City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Nicole Malo, LEED GA, Planner II

Meeting Date: October 2, 2013

RE: **Zoning District Amendment** – An ordinance of the City of Key West amending Chapter 122, of the Code of Ordinances entitled "Zoning" of Article IV, Division 5 by amending the HRCC-4 zoning district Section 122-756 entitled "Intent"; amending Section 122-757 entitled "Uses Permitted"; amending Section 122-758 entitled "Conditional Uses"; amending Section 122-759 entitled "Prohibited Uses"; and amending Section 122-760 entitled "Dimensional Requirements"; and amending Division 11 by amending the HPS-1 zoning district Section 122-966 entitled "Intent"; amending Section 122-967 entitled "Uses Permitted"; amending Section 122-968 entitled "Conditional Uses"; and amending Section 122-970 entitled "Dimensional Requirements" for amendments to zoning district regulations for the lands within the designated Truman Waterfront Park area; and amending Section 122-1111 entitled "Table of Land Uses by District"; and Section 122-1151 entitled "Size and Dimension", "Table of Size and Dimension"; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.

Action Item

This request is for the approval of the proposed amendments to the Land Development Regulations for the HRCC - 4 and the HPS - 1 zoning districts in order to reflect changes proposed concurrently to the Comprehensive Plan. The proposed changes to the Permitted Uses sections of the zoning districts reflect the City's desire to develop the Truman Waterfront parcel, a former Navy property, for use as a regional public park. The HRCC – 4 and HPS – 1 zoning districts were established for and are located within the boundaries of the future Truman Waterfront Park only.

Attachments

- Exhibit A - Adopted Truman Waterfront Park Master Plan
- Exhibit B - Proposed Comprehensive Plan amendments for the HRCC-4 FLU
- Exhibit C - Future Land Use Element for the HPS-1

Strategic Plan Consistency

The proposed amendments support the Key West Strategic Plan, Infrastructure, Goal #3 to Develop the Truman Waterfront Park.

Background

The HRCC-4 and the HPS-1 zoning districts are located exclusively within the Truman Waterfront Park parcel and do not affect any other currently zoned lands within the City. The purpose of the proposed amendments to the Land Development Regulations (LDR's) for the HRCC-4 and the HPS-1 zoning districts is to respond to several changed conditions since the original Truman Waterfront parcel land conveyance from the Navy in 1997 and the adoption of the associated Land Development Regulations. Those changed conditions are as follows:

1. The Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012 (Exhibit A); and
2. Concurrent amendments to the Comprehensive Plan for the HRCC-4 zoning district (Exhibit B); and
3. The Navy retracted portions of the original upland land conveyance and restricted public access to the Truman Harbor.

Both the HRCC-4 and the HPS-1 zoning districts, and Comprehensive Plan Future Land Use districts, were adopted in 1999 and created specifically for the development of the Truman Waterfront parcel after the land transfer from the Navy to the City through the Base Reuse Plan process. Currently, the Truman Waterfront parcel, is made up of five (5) zoning districts including the HRCC-4, HPS-1, HMDR, HNC-1, HNC-2 and HCL zoning districts with their respective regulations and associated uses (Map 1 below). At the time that the site was originally zoned, the entire property was envisioned as an area with a variety of different uses such as specific uses named in the Base Reuse Plan, not otherwise listed in the Code (ie. harborwalk), residential development, commercial retail uses, parks and recreation, marinas, ports, and some industrial uses, most of which are inconsistent with the currently proposed use of the land as a public regional park.

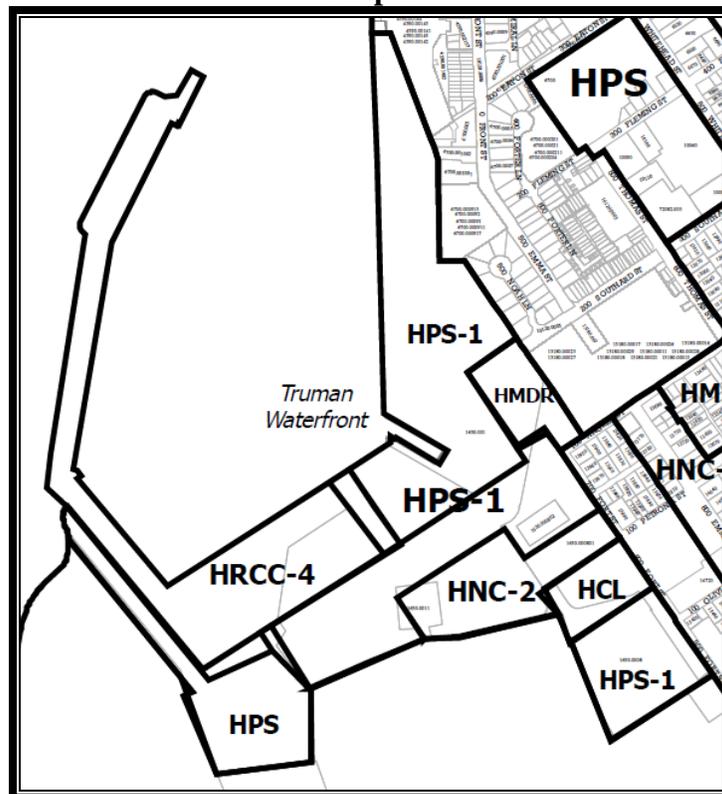
October 15, 2012, the Truman Waterfront Park Master Plan was adopted by the LRA. The Plan is based on several years of community meetings and committee hearings where input was collected on the desired uses for the Truman Waterfront Park parcel, based on the restrictions of the Land Conveyance Deed and Base Reuse Plan. The Master Plan attached herein as Exhibit A, includes the adaptive reuse of Navy Building 103, open space recreation areas, an Olympic sized multi-use field, a community center, police mounted patrol stables, and an amphitheater. The layout of the major infrastructure improvements on the Master Plan, is in response to several site limitations, including but

not limited to: required Navy setbacks and deed restrictions, land use compatibility concerns, and the size and configuration of the parcel.

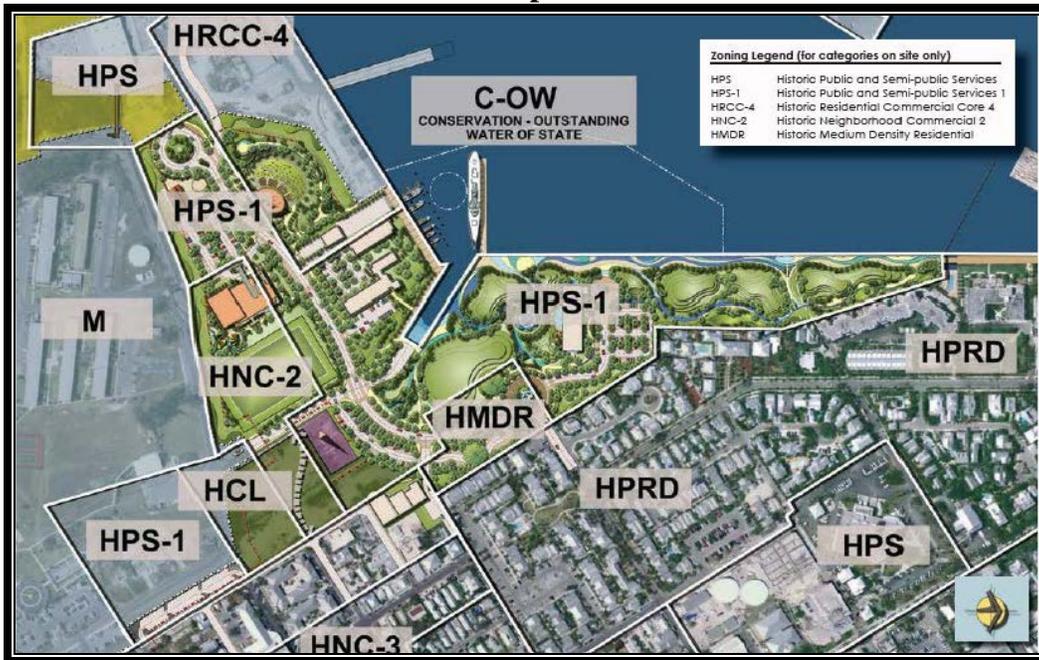
In conjunction with this LDR amendment, amendments to the HRCC-4 Future Land Use (FLU) District are also proposed. Currently, the uses allowed in the HRCC-4 FLU district and zoning district are water related and water dependent uses that are inconsistent with the physical uses of the site since the Navy has restricted the civilian/public use of the Navy Mole Pier, and the Navy Truman Harbor (Map 2 below). As a result of the retraction of portions of the land, no portions of the HRCC-4 actually reach the water. Therefore, it is no longer practical to have in the Comprehensive Plan uses such as marina/port development, cruise ship birthing and marine dependent activities. The proposed Comprehensive Plan amendment is consistent with the desired use of the land as a regional park, and the zoning district amendments reflect the changes to the Comprehensive Plan. The approval of the zoning district amendments are therefore conditioned upon the approval of the Comprehensive Plan Amendment.

The intent of amending both the HRCC-4 and the HPS-1 are to allow uses consistent with the adopted Truman waterfront Park Master Plan, the Comprehensive Plan, Land Conveyance documents and that are internally consistent. Therefore, the proposed land uses and dimensional requirements are identical, with the exception of height, which cannot be changed except through a charter amendment.

Map 1



Map 2



Analysis

By using the adopted Truman Waterfront Park Plan and the guiding Policies of the Comprehensive Plan to construct the allowed uses for the development of the Truman Waterfront Park parcel, the proposed amendments facilitate the development of the adopted Truman Waterfront Park Master Plan as approved by the LRA.

As part of the upcoming major Zoning Map and Land Development Regulation amendment process that will occur as a result of the 2013 Comprehensive Plan amendments, the properties within the Truman Waterfront Park area will be rezoned HPS-1 for continuity. However, until then, the proposed amendments to the HRCC-4 and the HPS-1 will enable park development.

Review Criteria

Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

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 Attorney's Office, Building Official and City Planner have worked together to review guideline modifications proposed and to recommend changes to the Land Development Regulations. This Planning Department report dated August 22, 2013 was prepared in support of procedural review criteria in the code and in support of Planning Board consideration. The Planning Board approved the proposed LDR amendments on August 22, 2013 through Resolution 2013-049 attached herein.

Sec. 90-521. Criteria for approving amendments to official zoning map. 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 proposed amendments are consistent with the concurrently proposed Comprehensive Plan Policies for the HRCC-4 designation and adopted Policies for the HPS designation. The relevant Future Land Use Policies are as follows:

***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-4 zoning** sub-district comprises a portion of the Truman Waterfront Parcel of the Key West Base Reuse Plan to be used as a regional public park. 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 parks and recreational facilities and uses accessory to or typical of parks of regional scale, 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 1-1.1.10: Allowed Uses in Historic Public and Semi-Public:** The maximum FAR for the HPS area shall be 1.0, excepting large scale regional public facilities. The latter projects may have a higher FAR if approved by City Commission. However, prior to approving an FAR in excess of 1.0, the City Commission must render a finding that the*

proposed public facility requires a higher FAR in order to accommodate a regional service necessary to the general health, safety, and welfare of the City and/or County. Furthermore, the finding must indicate that the regional facility as proposed shall comply with all other qualitative and quantitative criteria of the Comprehensive Plan and Land Development Regulations, including, but not limited to the adopted concurrency management policies. In no case may the City approve a FAR of greater than 1.75.

Areas of the Truman Waterfront have been zoned HPS-1. Development in those areas is limited to the existing and proposed uses identified in the Military Base Reuse Plan. These uses include a harborwalk, open space, community recreation centers, play fields, public recreation facilities, amphitheaters, and accessory concessionaire commercial uses.

The Peary Court Cemetery has been zoned HPS-2. This designation is intended to restrict development of the parcel to its historic use as a cemetery and open space. Any proposed uses shall be reviewed for consistency with the applicable historic preservation plans.

The City shall monitor the need for increased land area for institutional uses and shall ensure that adequate lands are provided in the public and semi-public land use designation. Land uses such as cultural or civic centers, and public or private not-for-profit uses may be included within this land use designation.

Because the proposed amendments eliminate density and reduce intensity, they will have no impact on minimum levels of service or concurrency determinations as established by the Comprehensive Plan.

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

The proposed amendments are in conformance with the Code and the procedures for amending the Land Development Regulations will be followed and are supported by this report.

(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.

Land use and development conditions have changed since the effective date of the existing regulations and the proposed amendments are supportive of and in response to those changes. Those changed conditions are as follows:

1. The Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012 (Exhibit A); and
2. Concurrent amendments to the Comprehensive Plan for the HRCC-4 zoning district (Exhibit B); and

3. The Navy retracted portions of the original upland land conveyance and restricted public access to the Truman Harbor.

(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.

These amendments are intended to facilitate the development of the Truman Waterfront Park, a regional public park, with accessory land uses that are compatible with and typical of a regional waterfront park of this size and scope. The proposed land uses promote compatibility and reduced intensity from the intense land uses currently allowed.

(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 proposed amendments are intended to reduce the high impact land uses currently allowed by the LDR's. The proposed amendments will not result in excessive demands on public facilities. All applications for future development will have to comply with concurrency standards.

(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 park and other amenities will abut environmentally sensitive lands, waters or wildlife habitat, particularly the Gulf of Mexico. The proposed amendments are intended to reduce the high impact land uses currently allowed by the LDR's and allow uses compatible and accessory to public regional parks. Any future construction will be required to attain relevant environmental permitting and comply with mitigation requirements.

(7) *Economic effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

These proposed amendments will not have an adverse effect on the property values in the area or the general welfare. In fact, these amendments, as proposed, will protect property values while allowing for improvements for the general public 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 amendments will support an orderly and compatible land use pattern. These amendments are in fact proposed to accommodate the intended use of the property.

(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 amendments are not in conflict with the public interest. They will enhance the public welfare by developing the park as intended. They are expected to help protect the government's use of the lands, and provide services to the community, which is in the greater public interest and will further the intent of the Comprehensive Plan and Land Development Regulations.

(10) Other matters. Other matters which the Planning Board and the City Commission may deem appropriate.

Other matters have not been identified at this time.

Process:

The Planning Board recommended approval of the LDR Amendment Ordinance at a regularly scheduled meeting held on August 22, 2013 based on a recommendation of approval of the Comprehensive Plan amendment for the HRCC-4 Land Use District. The ordinance will require two City Commission readings for adoption. Absent any appeals, the ordinance will be rendered to the DCA after the HRCC-4 Land Use Amendment adoption, who will have 60 days to issue an order which determines consistency with Florida Statutes 380.0552 and the City's Comprehensive Plan.

Options / Advantages / Disadvantages:

Option 1. Approve the Ordinance for the HRCC-4 and the HPS-1 zoning districts as proposed.

1. Consistency with the City's Comprehensive Plan and Land Development Regulations:

The proposed ordinance is consistent with the City's Comprehensive Plan and Land Development Regulations.

2. Consistency with the City's Strategic Plan, Vision and Mission:

The proposal is consistent with the City's Strategic Plan, Vision, and Mission, Infrastructure, Goal #3 to Develop the Truman Waterfront Park.

3. Financial Impact:

The proposal is intended to facilitate development of the Truman Waterfront Park. Approving the ordinance will allow construction to begin without delay consistent with available funding.

Option 2. Deny the proposed ordinance.

1. **Consistency with the City's Comprehensive Plan and Land Development Regulations:**

Denying the Ordinance is not consistent with the City's Comprehensive Plan that supports the proposed ordinance and leaves in place outdated HRCC-4 and HPS-1 land uses.

2. **Consistency with the City's Strategic Plan, Vision and Mission:**

Denying the Ordinance is not consistent with the City's Strategic Plan, Vision, and Mission to develop the Truman Waterfront APrk.

3. **Financial Impact:**

The proposal is intended to facilitate development consistent with the Comprehensive Plan and the Truman Waterfront Park Master Plan. Denying the ordinance will prohibit redevelopment of the Truman Waterfront Park as proposed in the adopted Master Plan.

Recommendation:

The Planning Department and Planning Board recommend the **approval of Option 1.**