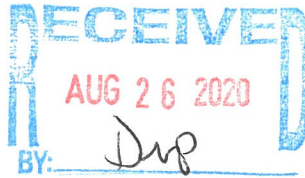


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VIA HAND DELIVERY and E-MAIL

August 26, 2020

Katie Halloran, Planning Director
City of Key West Planning Department
1300 White Street
Key West, FL 33040
Katie.halloran@cityofkeywest-fl.gov

Re: **StorCon Development, LLC – Application for a Text Amendment to the City of Key West Comprehensive Plan**

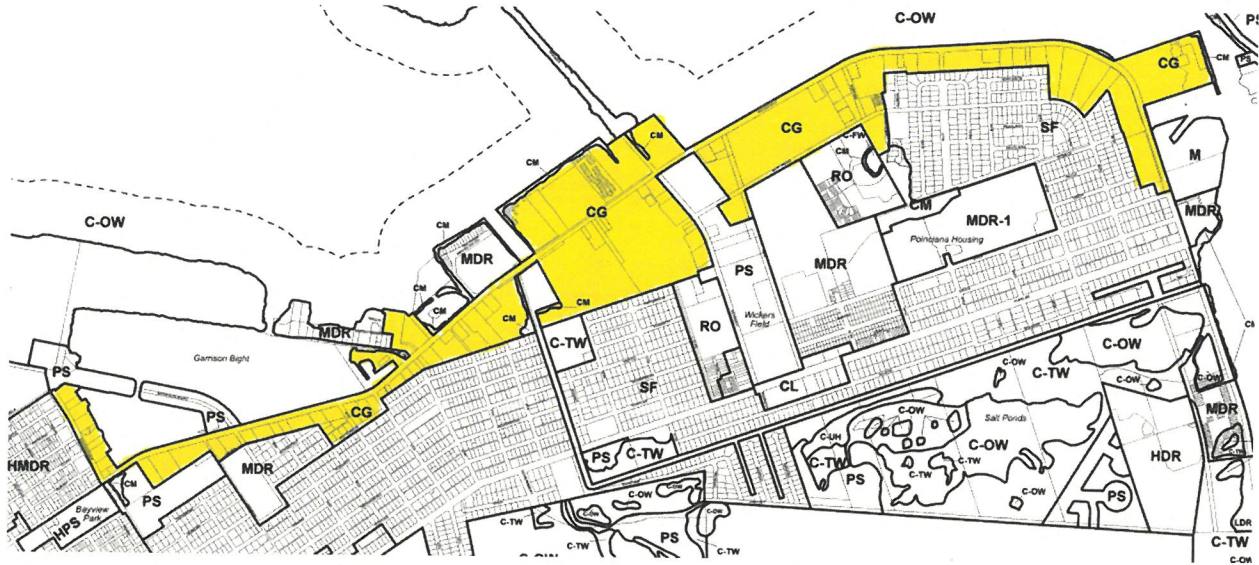
Katie,

Please find below StorCon Development, LLC's ("Applicant") amendment to the proposed Text Amendment to the City of Key West Comprehensive Plan ("Comp Plan"). The original application and application fee were submitted to the City of Key West Planning Department on June 19, 2020 ("Original Application"). A corresponding amendment to the City of Key West Land Development Regulations ("LDR Amendment") is being proposed simultaneously.

As the City of Key West is in an area of critical state concern pursuant to Section 380.05, *Florida Statutes (2019)*, any Comp Plan amendment must go through the State Coordinated Review Process set out in Section 163.3184(4), *Florida Statutes (2019)*. The State Coordinated Review Process requires that, within 10 days after the first public hearing, the proposed amendment be sent the state land planning agency, who will have 60 days to send a report with any objections or comments back to the City, who may then hold the final public hearing.

Applicant is proposing to amend the Comp Plan to increase the maximum floor area ratio of the General Commercial District (CG) from 0.8 to 1.0. An increase in maximum floor area ratio ("FAR") will encourage favorable uses throughout the General Commercial District (CG) District ("District") that are supported by Comp Plan Goals, Objectives and Policies. A FAR increase in the District will incentivize redevelopment of aging and/or unoccupied commercial buildings, the largest of which include former Sears and K-Mart. The conditions of aging buildings in the District make it infeasible to add affordable resident housing above the existing first floor commercial use. Increased maximum FAR will encourage redevelopment that will include new structures with affordable resident housing atop new commercial space, which is supported by the Comp Plan.

This proposal includes the entire General Commercial District (CG), which currently primarily consists of a variety of commercial uses and transient lodging (hotels) along North Roosevelt Boulevard. Below is an illustration of the area included in the proposal:



The only change proposed is to one portion of Table 1-1.1.5 regarding the General Commercial (CG) Zoning District. Proposed text additions in blue and deletions are in red and struck through and text in black font is already existing and not proposed to be amended:

Table 1-1.1.5

| COMMERCIAL FUTURE LAND USE DISTRICT | | | |
|--------------------------------------|---|--------------------------------------|---|
| Zoning District | Density | Intensity | Uses & Limitations |
| (CT) Salt Pond Commercial Tourist | Maximum of 16 dwelling units per acre.* | Maximum FAR of 0.8 | Allowable uses in areas zoned CT are motels, limited scale tourist facilities, customary accessory uses, and requisite community facilities including public schools. |
| (CG) General Commercial | Maximum of 16 dwelling units per acre.* | Maximum FAR of 1.0 0.8 | Allowable commercial uses in areas zoned GC inclusive of, but not limited to, general retail sales and services, highway oriented sales and services, other general commercial activities, customary accessory uses, and requisite community facilities including public schools. Residential uses are allowed and encouraged in the (CG) General Commercial Zoning |

| | | | |
|----------------------------|---|--------------------|---|
| | | | District if in conformance with Policy 1-1.1.4 with a *density bonus allowing up to 40 dwelling units per acre with the provision of deed restricted affordable housing in conformance with Policy 3-1.1.7. Density bonuses are solely for affordable housing. Market rate housing will be restricted to the maximum of 16 dwelling units per acre. |
| (CL) Limited Commercial | Maximum of 16 dwelling units per acre.* | Maximum FAR of 0.8 | Allowable commercial uses in areas zoned CL include but are not limited to low to medium intensity retail; small limited item shops and customary accessory uses, and requisite community facilities including public schools. |

The following criteria for approval of Comp Plan Amendments are listed in Section 90-555 of the City of Key West Code of Ordinances:

(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 following is provided as support for consistency with the Comp Plan:

Portion of Table 1-1.1.5 regarding the CG District:

Allowable commercial uses in areas zoned GC inclusive of, but not limited to, general retail sales and services, highway oriented sales and services, other general commercial activities, customary accessory uses, and requisite community facilities including public schools. Residential uses are allowed and encouraged in the (CG) General Commercial Zoning District if in conformance with Policy 1-1.1.4 with a *density bonus allowing up to 40 dwelling units per acre with the provision of deed restricted affordable housing in conformance with Policy 3-1.1.7. Density bonuses are solely for affordable housing. Market rate housing will be restricted to the maximum of 16 dwelling units per acre.

- The proposal to increase maximum FAR would lead to more affordable housing encouraged and allowed in the District. A higher FAR will make possible mixed-use developments that generally provide affordable residential units on the elevated stories and low intensity commercial services or retail that are compatible with residential uses on the ground floor. A higher FAR will allow property owners in the District to utilize the density bonus for affordable housing.

Policy 1-1.1.4: - Affordable Housing and Compact Development Incentives.

Within land use categories supporting mixed use development, the Land Development Regulations shall include density and intensity bonuses that fall within the parameters of the Comprehensive Plan and Future Land Use Map to achieve the following objectives: *provision of affordable housing immediately adjacent to employment opportunities; reduction in dependence on automobile travel for home/work travel; provision of a range of housing types, inclusive of apartments, townhouses, efficiencies, and single room occupancies; establishment of a variety of retail uses to support onsite or adjacent residential uses; provision of sufficient density of residential uses and presence of retail commercial to support transit demand; support of redevelopment of aging, traditional suburban shopping center retail; provision of open space and recreational uses within or immediately adjacent to the mixed use complex; provision of immediate access to and support of bicycle path networks in the City; increased efficiency of energy and water use; increased solid waste diversion; increased stormwater harvesting; decreased inappropriate water use, and; creation of opportunities to provide substantial new landscaping, parking and housing/retail areas to reduce carbon footprints and support sustainability goals.*

- The proposal will increase mixed-use development placing commercial uses proximate to a variety of residences.
- The proposal will encourage property owners to utilize existing density bonus.
- An increased FAR in the District will support the redevelopment of aging and under-utilized traditional suburban shopping center retail in the District, as encouraged by this Policy.

GOAL 1-1: - ENSURE THAT THE CHARACTER AND LOCATION OF LAND USES INCORPORATE BEST MANAGEMENT PRACTICES AND PRINCIPLES OF RESOURCE CONSERVATION; ENHANCE COMMUNITY APPEARANCES; PROMOTE ORDERLY LAND USE TRANSITION, AND; MINIMIZE THREATS TO HEALTH, SAFETY, AND WELFARE WHICH MAY BE CAUSED BY INCOMPATIBLE LAND USES, ENVIRONMENTAL DEGRADATION, HAZARDS AND NUISANCES.

- An increase in FAR in the District will enhance community appearances and promote orderly land use transition by encouraging redevelopment that will bring many existing nonconforming developments into compliance with City of Key West Land Development Regulations ("LDRs") and defend against rising sea-levels.
- Increasing the maximum FAR does not alter other requirements in the LDRs such as minimum open space, maximum impervious surface, maximum building coverage, landscaping, draining or setbacks. Instead, an increased FAR tends to encourage two- or three-story mixed-use developments that have a smaller bottom floor footprint and more open space.

Policy 1-1.2.1: - Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use.

Stable residential areas and projected future residential areas as delineated on the Future Land Use Map shall be protected from encroachment by incompatible development. This objective does not preclude necessary community facilities from locating within residential areas when

such activities satisfy established criteria of this plan and the City's Land Development Regulations.

Any potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping, including vegetated berms with tree canopy where practical, or by other appropriate screening and buffering techniques. These landscaping techniques shall be incorporated into the design of new or redeveloping nonresidential projects located adjacent to existing or planned residential development.

Similarly, perimeter landscaping techniques shall be applied in multiple family residential developments in order to appropriately screen and buffer existing and planned single family home sites from residential development having differing structure types.

Land Development Regulations shall maintain and continue to update standards and/or review criteria for mandating retention of open space and for regulating building design, including setbacks, building placement on site, and building orientation. These provisions shall be directed toward protecting privacy, as well as access to light, air and open space. Other reasonable design principles shall be included in the zoning code in order to alleviate adverse impacts of potentially incompatible land uses.

- The proposal will encourage mixed-use developments that will provide goods and services aimed toward residents and tourists and decrease the amount of goods and services aimed primarily for tourists. Many high intensity, high volume uses that may be harmful or disturbing to residential uses do not require a lot of floor area and therefore become relatively more viable than high floor area, low volume uses that mesh well with residential uses.
- An increased FAR will promote redevelopment that will come into compliance with the LDRs providing landscaping and buffering that current legal nonconforming uses do not provide.

OBJECTIVE 1-1.3: - ALLOCATING COMMERCIAL DEVELOPMENT.

Land area shall be designated to accommodate a variety of commercial uses. The City shall promote the image, function, architecture, and ambiance of the Historic Preservation Commercial Core District as the City's center for commerce as well as civic and cultural enrichment. In this pursuit the City shall preserve and enhance the identity, design, and vitality of the District.

The management of development and redevelopment activities shall promote preservation of the historic resources of the Historic Preservation Commercial Core District and ensure that new structures are compatible with the built environment. *Along the North Roosevelt commercial corridor, the City shall promote redevelopment of mixed use and general commercial activities which fulfill market demands of the City's residents for affordable housing proximate to retail sales and services.* The existing limited commercial area shall also be maintained for neighborhood commercial activities to meet consumer demands of residents within the areas.

- Almost the entire CG District is along the North Roosevelt commercial corridor and the proposal to increase maximum FAR will encourage redevelopment of mixed use and general commercial activities which fulfill market demands of the City's residents for affordable housing near commercial retail and services.

Policy 1-1.3.2: - Designate Various Types of Mixed Use Commercial Nodes to Accommodate Diverse Commercial Uses.

A variety of commercial development designations shall be provided in order to adequately ensure availability of sites that accommodate the varied site and spatial requirements for such activities as: professional and business offices, limited commercial activities, and general retail sales and services. *In addition, it is the intent of the City of Key West to encourage mixed use residential and commercial developments which include residential uses with particular emphasis on the provision of affordable housing.*

- Increasing the maximum FAR will implement this policy and encourage mixed use residential and commercial developments and, together with other affordable housing incentives, will encourage providing affordable housing in the District, as specifically encouraged in this Policy.

Policy 1-1.4.6: - Increase Resilience of General Landscaping.

The City shall use best available science and predictions for sea level rise and other climate change related issues to guide the long term health and appearance of landscape plantings. By 2014 the City shall work with sea level rise and native plant experts to create a "Climate Adaptation Planting Plan" ordinance to affect landscaping plans. This plan shall be reviewed every other year to stay up to date with climate change predictions.

- Redevelopment of aging properties will include conformance with building code, flood protection regulations and landscaping requirements, which would make the new developments more safe, sustainable, and good looking.

OBJECTIVE 1-1.5: - PROMOTE COMMUNITY APPEARANCE, NATURAL AMENITIES AND URBAN DESIGN PRINCIPLES.

The City's built environment should reflect Key West's values, architectural history, and characteristic mix of uses. The City shall establish and maintain a level of design excellence in accordance with Goal 2 of the 2011 Strategic Plan.

- Increasing maximum FAR and encouraging redevelopment will enhance community appearance and implement modern urban design principles.

Policy 1-1.5.1: - Reinforce and Enhance the City's Community Appearance.

Major attributes shall be preserved through application of design review standards and management of signs, landscaping, open space, tree protection, and other urban design amenities. Special emphasis shall be placed on preserving and/or improving the character of major natural and man-made corridors, including the waterfront shoreline, scenic views of the waterfront and tidal waters, wetlands, major drainage corridors, and major transportation corridors which serve as a focal point for the motoring public.

- This proposal does not propose any changes to landscaping or open space requirements of the Land Development Regulations. Instead, property owners with existing nonconformities who redevelop will be subject to current Land Development Regulations leading to more native landscaping and open space.

Policy 1-1.11.4: - Managing Stormwater Run-off.

The developer/owner of any site shall be responsible for managing on-site run-off. All new development shall comply with adopted level of service standards for surface water management which shall include stormwater harvesting goals.

- Much of the District's parcels are entirely paved. Redevelopment will implement current onsite storm water retention requirements.

OBJECTIVE 1-1.12: - CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT, CLIMATE ADAPTATION, AND ENERGY CONSERVATION CONCEPTS.

The City of Key West shall maintain Land Development Regulations which incorporate concepts for managing land, water, and energy resources which are responsive to unique development and conservation issues identified in the City's Comprehensive Plan. The City of Key West shall adopt Land Development Regulations which incorporate concepts for managing land, water, and the built environment which are responsive to climate change issues including but not limited to sea level rise and increased frequency of intense rainfall events.

- Redevelopment encouraged by the proposal would impose FEMA regulations requiring raised structures or floodproofing, making the new development more resilient to storms and climate change. Any new development would also be made to comply with concepts in the Land Development Regulations regarding managing water, energy, and landscaping.

GOAL 5-1: - COASTAL MANAGEMENT.

Restrict development activities that would damage or destroy coastal resources. Protect human life and limit public expenditures in areas subject to destruction by natural disasters, but encourage policies which attract pedestrians, increase waterfront access, and reinforce the ambiance of the waterfront.

- New development would conform to current storm and climate change mitigation regulations, which could protect human life and limit public expenditures.

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

The proposed amendment is in conformance with all applicable requirements of the Code of Ordinances.

(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 current conditions in the District support the proposal and conditions have changed since the current Comp Plan effective date. There are now several aging commercial buildings in the

District that are unoccupied and out of business. Additionally, many businesses in the District have become tourist-centered and increasing FAR would pave the way for more businesses to serve the residents of the City of Key West and the Lower Keys. The proposal will encourage redevelopment supported by the Comp Plan Goals, Objectives and Policies, as detailed in Section (1).

(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 would not change the uses allowed in the District. The proposal would encourage uses promoted by the existing Comp 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 would not result in demands on public facilities and services beyond those that would be required to be provided by any property owner. Any development proposed would be required to be in compliance with the Land Development Regulations before being permitted.

(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 would not result in adverse impacts. The proposal would have favorable impacts on the natural environment and vegetative communities because any new project would come into compliance with the Land Development Regulations whereas the current state of many properties in the District are nearly entirely impervious and non-vegetative.

(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 proposal would have favorable impacts on the property values and general welfare of those in the area. The proposal would enhance the appearance of the area and provide needed services to residents, as well as provide jobs, stimulate the economy and increase City revenues. Additionally, the proposal would encourage the development of more affordable housing proximate to employment opportunities. The current high-volume uses encouraged with a lower maximum FAR may diminish the general welfare and property values in the area.

(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 proposal would result in orderly and compatible land use pattern encouraged in the current Comp Plan. No negative effects of the proposal are anticipated.

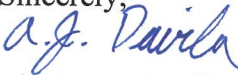
(9) *Public interest; enabling act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposal would promote the public interest and would be in harmony with the purpose and interest of the LDRs and the enabling legislation.

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

Applicant is willing and would diligently work with the planning board and the city commission on any concerns they have with the proposal. Applicant is accepting of and invites any suggestions from the City.

Please use this letter to supplement and amend the Original Application. Thank you for your consideration and work on this matter.

Sincerely,

Anthony Davila for
Barton W. Smith

CC: Daniel Sobczak – daniel.sobczak@cityofkeywest-fl.gov
George Wallace – gwallace@cityofkeywest-fl.gov