



EXECUTIVE SUMMARY
Naval Lands Redevelopment Agency

To: Bogdan Vitas Jr., City Manager

Through: Donald Leland Craig, AICP, Director of Community Development Services, City Planner

From: Nicole Malo, Planner II

Date: June 6, 2014

RE: **Development Plan Approval** – Authorization of Development Plan approval for the Truman Waterfront Park Master Plan for property (RE#00001630-001000, AK 9038855; RE# 00001630-001100, AK# 9038866) located within the Truman Waterfront parcel conveyed by the Navy

Action Statement

Request: LRA authorization of the Truman Waterfront Park Master Plan as required in the restrictive covenants of the land conveyance with the Navy. The Master Plan is to develop 28 acres of scarified land transmitted from the US Navy to the City in 2002. The Development Plan establishes development phases for up to 10 years.

Location: Truman Waterfront Parcel (RE#00001630-001000, AK 9038855; RE# 00001630-001100, AK# 9038866)

Consistency with Strategic Plan:

The development of the proposed Truman Waterfront Master Plan is consistent with Strategic Plan Goal #3 of the Infrastructure element. The goal statement is to provide parks and recreation areas accessible to all residents and visitors and specifically listed is the development of the Truman Waterfront Park.

Property of City of Key West
Parcel ID 00001630-001000, AK 9038855



Property of City of Key West
Parcel ID 00001630-001100, AK# 903886



Background:

On May 6, 2014 the City Commission approved the development of the Truman Waterfront Park Master Plan, finding the plan consistent with the property transmittal Deed, the Comprehensive Plan and the Land Development Regulations through Resolution 14-137 with 15 conditions of approval (attached). In addition to City procedural requirements for Major Development Plan approval, the restrictive covenants of the Truman Waterfront Parcel Land Conveyance Deed required LRA approval of the final Plan. Subsequent to LRA endorsement of the Plan the deed requires the Plan to be transmitted to the Navy for a 90 day review period (Exhibit 2). However, in order to avoid any Plan compatibility issues with the Navy and its adjacent properties, City staff has worked closely with the Navy over the last several years to ensure achievement of land use covenants and other design compatibility issues raised by the Navy. Further, in March of 2013, the Master Plan was transmitted to the Navy for their preliminary review and Comment (Exhibit 10). As a result of reviving the written comments from the Navy the designers modified the plans to meet the Navy requests. Since then, the Plan has been further modified to guarantee the City's adopted Plan meets the needs of the Navy. Most recently a meeting was held with City staff and the Navy on April 9, 2014 to coordinate the exact configuration of the proposed Eaton Street Navy access road. The agreed upon location and configuration are described in condition number 2a of City Commission Resolution 14-137 (attached) and shown on the attached Revised Master Plan. Further, conditions 2a-h of Resolution 14-137 reflect agreements made with the Navy to satisfy their concerns expressed in their Review Response Letter. The proposed Master Plan has been fully coordinated and developed with input from the Naval Air Station Key West office and is in compliance with the land use controls and restrictions listed in the conveyance documents.

The proposed Truman Waterfront Park Master plan is a result of over 15 years of planning with input from the public at community and joint agency meetings, the Navy, in addition to adoption by the City Commission, Planning Board (attached), Tree Commission, HARC, the Bahama Village Redevelopment Advisory Committee (BVRAC), the Truman Waterfront Advisory Board (TWAB), and the various City Commissions sitting as the Naval Properties Land Redevelopment Agency (LRA).

A Brief History of Land Conveyance

The entire property, known as the Truman Waterfront (TW) Parcel, was planned for transfer from the Navy to City ownership through the Base Reuse and Alignment (BRAC) process that began in 1995. As part of the BRAC process in 1997 the BRAC Master Plan was adopted with detailed land uses for the property (Exhibit 1 - 1997 the BRAC Master Plan). Although the proposed locations for some of the contemplated uses may have migrated around the site, most of the uses within the BRAC Master Plan remain within the adopted TW Park Master Plan. Subsequently, the City and Navy signed a Memorandum of Understanding (MOU), a Memorandum of Agreement and finally the Quit Claim Deed in 2002 and the property was transferred through the Economic Development Conveyance. All three of the agreements contain development restrictions for how the property is to be developed (See Exhibit 2 -2002 MOU and Quit Claim Deed). The original TW Parcel contemplated for transfer was 50 acres; however upon final transfer the battery property along Fort Street and the Mole Pier were withdrawn leaving the 32.31 acres of upland and Marina development rights within Truman Harbor Development Zone to the City. Additionally, since 2013 the Navy has restricted the City's right to construct a marina within the Truman Harbor Development Zone for security and training purposes.

Additional Information

The Major Development Plan for the Truman Waterfront Park was approved with Attached to this report is the Executive Summary for the Major Development Plan and Conditional Use presented to the City Commission. The report describes in detail the scope of the Major Development Plan and more recent history of the community review and approval processes.



RECOMMENDATION:

The City Commission and City Staff, based on the criteria established by the Comprehensive Plan and the Land Development Regulations and the Land Conveyance Deed, recommends the Development Plan for the Truman Waterfront Park be **approved and transmitted to the Navy** with the following conditions:

1. That the associated bicycle substitution variance is approved by the Planning Board.
2. Navy:
 - a. The existing planned shared pedestrian/auto pathway making use of the existing East Quay shall be modified to eliminate automobile access and a drivable access way from the existing Eaton Street easement area southward to and through the parking lot north of Building 103 shall be implemented separately. The easement dedicated to the Navy from Eaton Street to the Quay will be eliminated, and be replaced with an easement for the new access way. This redefined access way will provide the assured and agreed upon vehicular access way for the Navy from

- the area of the Eaton Street easement southward to the Southard Street extension into the park.
- b. The City will continue to coordinate with the Navy during cruise ship operations, including, but not limited to, pedestrian, trolley, bus, Chandler support, and train staging, etc., to ensure that there is no impact to the military mission.
 - c. The City will continue discussions with the Navy regarding the option of a joint use Entrance Control Point (ECP) structure and any proposed structures in the vicinity of the ECP will be coordinated with the Navy to ensure clear line of site and compliance with Anti-Terrorism Force Protection (ATFP) standoffs and security requirements.
 - d. A standard operating agreement to define coordination and planning solutions to move military vehicles and equipment through the park complex during urgent or special events shall be concluded before completion of phase 1 construction (road realignment plan) of the Park. This can be assured as a condition of the Major Development Plan approval through a Memorandum of Agreement.
 - e. The easements will be reviewed, updated and/or eliminated through coordination with the Navy as part of the Phase 1 construction documents within 180 days of development plan adoption. This approach will ensure the accuracy of the associated surveys and thus the easement documentation.
 - f. In the event that City and Navy have coordinated the use of City property for special events, the coordination efforts will be done to ensure that military operations are not impacted.
 - g. Once the lighting plan has been finalized, the City will conduct an informal lighting study with NAS Key West to determine potential impacts to the military mission. Additionally, the City will coordinate the potential impacts of the proposed lighting on the Navigation Range Markers with the Navy Port operations and local Harbor Pilots. The proposed lighting plans will meet Dark Sky standards that require fixtures to focus light on the ground and not spill off the site.
 - h. After plan adoption the LRA will transmit the development plan for final Navy review subject to the 2002 Quit Claim Deed.
3. An easement is required to be executed with Keys Energy for access to electric poles along Navy boundary on the southern edge of the property.
 4. For all elevated structures, areas between the bottom floor of the structure and grade must be buffered by lattice or similar materials approved by the Historic Preservation Planner and fully landscaped.
 5. Building construction on the site including the development of the amphitheater, community center and building 103 shall at a minimum be LEED certified consistent with Comprehensive Plan Policy 1-1.1.6 that requires a green building certification.
 6. That rainwater be captured from all building roof surfaces into adequate sized containers highest standard and redistributed for onsite irrigation purposes using ARCSA standards.
 7. That if permanent irrigation system is required that the system be built to ARCSA standards.
 8. Lighting shall be designed to "Dark Sky" lighting standards and shall meet energy efficiency standards established by an accepted third party environmental standard consistent with F.S Chapter 255.2575(2).

9. Tree Commission approval is required for the overall Landscape Plan in addition to each phase of the removal/relocation and replacement of vegetation based upon the approved Landscape Plan.
10. The complete set of plans dated March 4, 2014 in addition to the revised Master Plan dated April 11, 2014 April 19 are hereby adopted and incorporated herein.
11. That the proposed two way traffic direction on Angela Street be coordinate with the adopted Truman Waterfront Connectivity Plan.
12. Emergency call boxes are distributed throughout the site in coordination with the KWPD.
13. Fire hydrant locations are coordinated with KWFD.
14. Two electric vehicle charging stations are installed at three points within the park.
15. The lease for the restaurant for Building 103 shall contain the following provisions:
 - a) That the business establish and maintain a marketing plan on order to reduce vehicular trips to the venue promoting multimodal accessibility to the site via website, reservations, etc.
 - b) That the lessee obtain a Green Business Certification.
 - c) That the business separate the collection of food waste to be properly composted for the Truman Waterfront Park or for community partner reuse.
 - d) That the business recycle all materials collected the city's waste handler.
 - e) Lessee must obtain a Conditional Approval Permit, subject to annual inspection.
16. that for special events when the bicycle pathway may be occupied by parked vehicles, the event holders are responsible for creating and identifying and alternative multimodal traffic pattern that protects bicyclists and pedestrians within the Park to bicycle racks and the event center.

Attachments:

Revised Navy Roadway Plan

City Commission Resolution 14-137

Planning Board Resolution 2014-20

Planning Board Resolution 2014-19

Planning Board Staff Report

Exhibit 1 - 1997 the BRAC Master Plan

Exhibit 2 - 2002 MOU and Quit Claim Deed

Exhibit 3 - Meisel & Spottswood Conceptual Plan

Exhibit 4 - Resolution 10-265

Exhibit 5 – Resolution 12-129

Exhibit 6 – BVRAC, TWAB and LRA Adopted Master Plan, Resolution 12-285

Exhibit 7 - Focus Group Datum

Exhibit 8 – 2013 Development Plan

Exhibit 9 - DRC Minutes

Exhibit 10 - Navy Response Letter and City Response to Navy

Exhibit 11 - DEO Final Order Ordinance 13-25

Exhibit 12 – LRA Resolution 12-129 Truman Waterfront Park Design Program Direction



Fort Zachary Taylor Park

Mole Pier

Amphitheater

Future Fort Access

NOAA Dock Facilities

Turn Around

USCGC Ingham

30' Navy Property Setback

Pedestrian Promenade

KWPD Horse Stables

Commissioner Merli McCoy Public Gardens

Public Parking - 67 spaces

Transit Stop

Proposed Pedestrian/Bicycle Bridge

8' wide Bike Path

Scooter Parking 12 spaces

Transit Stop

Community Center

NOAA Employee Parking

NOAA Facility (existing)

Community Playgrounds

Multi Use Recreation Field

Boat Launch

Navy Access (30' width)

Scooter Parking - 12 spaces

Public Parking - 66 spaces

Building 103

20' Setback

30' Setback

Future Pedestrian Access

Future Vehicular Access

Development Site

Transit Stop

Public Parking - 92 spaces

Scooter Parking - 12 spaces

Pedestrian Access

LEGEND

- Navy Property
- Future Development Site
- State Property



US Navy Base

Neighborhood Parking

This site is subject to the Code of Federal Regulations Citation CFR 334.610, restricting access to any person and/or any vessel other than Government-owned vessels to the Truman Harbor.

Truman Waterfront Park

THE CITY OF KEY WEST
DATE: 4-10-2014

RESOLUTION NO. 14-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL TO A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL FOR DEVELOPMENT OF THE TRUMAN WATERFRONT PARCEL LOCATED IN THE HISTORIC PUBLIC SERVICE AND SEMIPUBLIC SERVICE-1 (HPS-1), HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR), HISTORIC RESIDENTIAL COMMERCIAL CORE -4 (HRCC-4) AND THE HISTORIC NEIGHBORHOOD COMMERCIAL-2 (HNC-2) ZONING DISTRICTS (RE# 00001630-001000, AK 9038855; RE# 00001630-001100, AK#9038866), KEY WEST FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91(A)(2)(b) of the Code of Ordinances allows applicants to request Major Development Plan approval within the Historic District of additions to or reconstruction of equal to or greater than 2,500 square feet of gross floor area; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 20, 2014, resulting in Planning Board Resolution No. 2014-19; and

WHEREAS, pursuant to Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the granting of the Major Development Plan and Conditional Use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

NOW THEREFORE BE IT RESOLVED by the City Commission of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the City Commission grants approval of the application for Major Development Plan, per Section 108-91 of the Code of Ordinances of the City of Key West, Florida, for the development of the Truman Waterfront parcel, located at the Truman Waterfront (RE# 00001630-001000, AK 9038855; RE# 00001630-001100, AK#9038866) in the HPS-1, HRCC-4, HMDR AND HNC-2 zoning districts, as shown in the attached plans dated March 4, 2014, and the revised master plan showing the Navy Access Way as described in condition 2a below, and with the conditions provided in the staff Executive Summary dated May 6, 2014, and specified as follows:

1. That the associated bicycle substitution variance is approved by the Planning Board.

2. Navy:

a. The existing planned shared pedestrian/auto pathway, making use of the existing East Quay, shall be modified to eliminate automobile access, and a drivable access way from the existing Eaton Street easement area southward to and through the parking lot north of Building

103 shall be implemented separately. The easement dedicated to the Navy from Eaton Street to the Quay will be eliminated, and be replaced with an easement for the new access way. This redefined access way will provide the assured and agreed upon vehicular access way for the Navy from the area of the Eaton Street easement southward to the Southard Street extension into the park.

b. The City will continue to coordinate with the Navy during cruise ship operations, including, but not limited to, pedestrian, trolley, bus, Chandler support, and train staging, etc., to ensure that there is no impact to the military mission.

c. The City will continue discussions with the Navy regarding the option of a joint use Entrance Control Point (ECP) structure and any proposed structures in the vicinity of the ECP will be coordinated with the Navy to ensure clear line of site and compliance with Anti-Terrorism Force Protection (ATFP) standoffs and security requirements.

d. A standard operating agreement to define coordination and planning solutions to move military vehicles and equipment through the park complex during urgent or special events shall be concluded before completion of phase 1 construction (road realignment plan) of the Park. This can be assured as a condition of the

Major Development Plan approval through a Memorandum of Agreement.

e. The easements will be reviewed, updated and/or eliminated through coordination with the Navy as part of the Phase 1 construction documents within 180 days of development plan adoption. This approach will ensure the accuracy of the associated surveys and thus the easement documentation.

f. In the event that City and Navy have coordinated the use of City property for special events, the coordination efforts will be done to ensure that military operations are not impacted.

g. Once the lighting plan has been finalized, the City will conduct an informal lighting study with NAS Key West to determine potential impacts to the military mission. Additionally, the City will coordinate the potential impacts of the proposed lighting on the Navigation Range Markers with the Navy Port operations and local Harbor Pilots. The proposed lighting plans will meet Dark Sky standards that require fixtures to focus light on the ground and not spill off the site.

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6. That rainwater be captured from all building roof surfaces into adequate sized containers highest standard and redistributed for onsite irrigation purposes using ARCSA standards.

7. That if permanent irrigation system is required that the system be built to ARCSA standards.

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removal/relocation and replacement of vegetation based upon the approved Landscape Plan.

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16. That for special events when the bicycle pathway may be occupied by parked vehicles, the event holders are responsible for creating and identifying an alternative multimodal traffic pattern that protects bicyclists and pedestrians within the Park to bicycle racks and the event center.

Section 3. That the timeline for expiration of this Development Plan is hereby extended due to the proposed construction phasing for a maximum of 10 years pursuant to Section 108-203(a). Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 10 years after the date hereof.

Section 4. This Major Development Plan does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held this 6th day of May, 2014.

Authenticated by the presiding officer and Clerk of the Commission on May 9, 2014.

Filed with the Clerk May 9, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>No</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>No</u>



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK