



EXECUTIVE SUMMARY

To: Patti McLauchlin, City Manager

Through: Shawn D. Smith, City Attorney

From: Nathalia A. Mellies, Assistant City Attorney

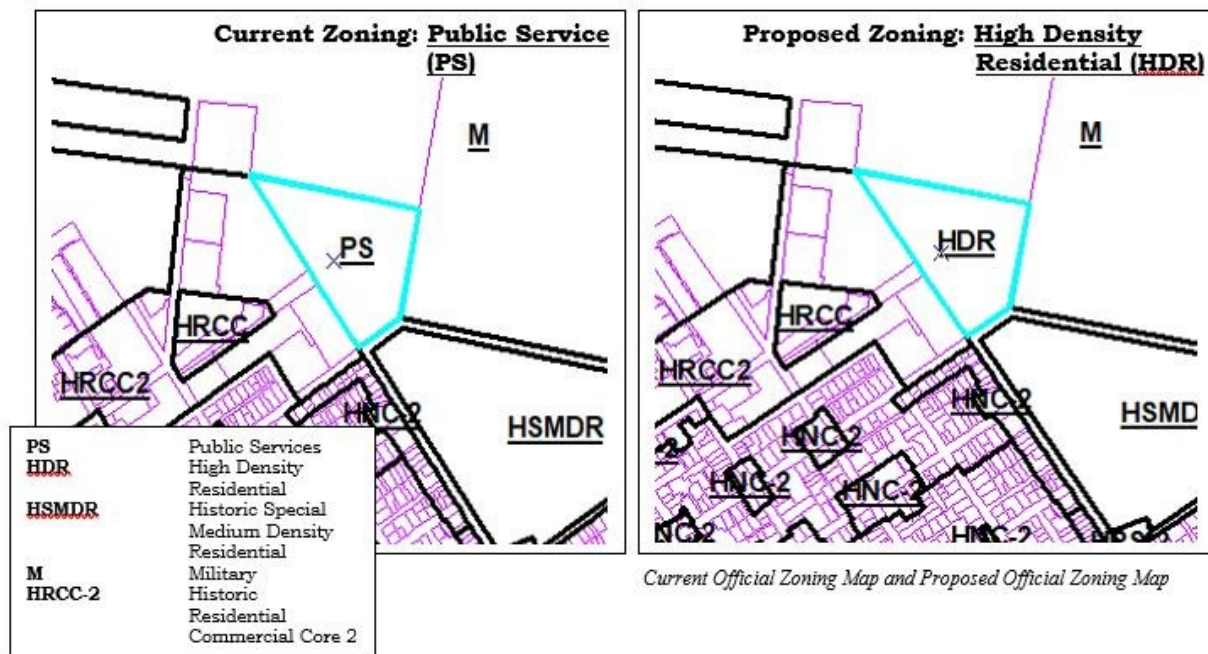
CC: Katie Halloran, Planning Director

Meeting Date: October 19, 2022

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 Public Service (PS) and the High Density Residential (HDR) 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 Public Service (PS) to the High Density Residential (HDR) (see image below).



BACKGROUND:

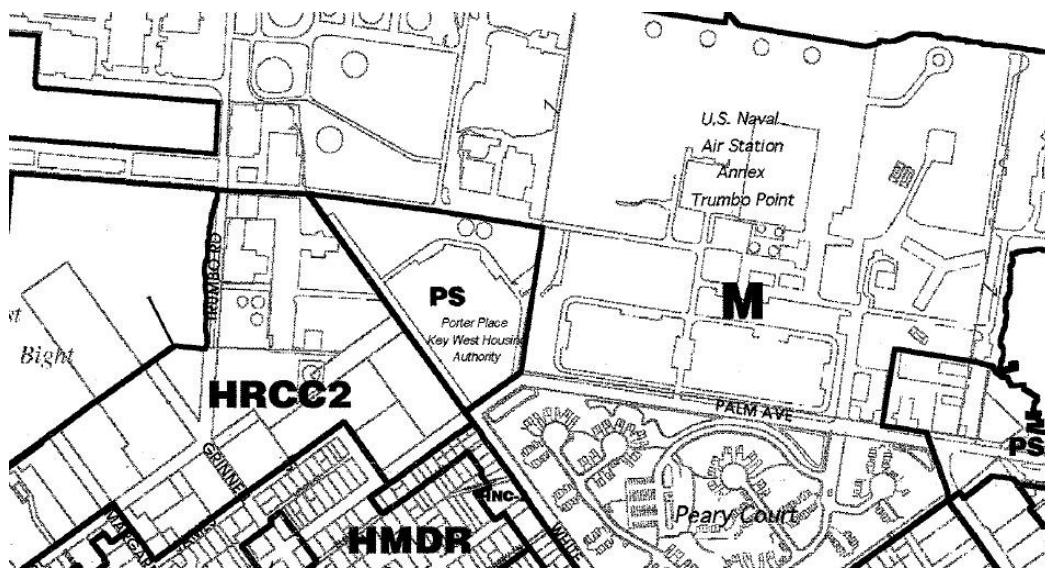
The property located at 301 White Street (RE # 00001780-000000; AK # 1001864) is an 8.77 acre parcel located within the Public Service (PS) Zoning District. The parcel and improvements are owned by the Housing Authority of the City of Key West, Florida (KWA) and is subsidized by the United States Department of Housing and Urban Development (HUD). The property contains eighteen buildings, with a total of 136 residential dwelling units. All the units are public housing, limited to residency by low-income families and individuals. Households pay thirty percent of their monthly adjusted income for rent.

The aerial image (see image below) shows the location of the subject property.



Aerial Map of the Subject Property

The zoning of the properties prior to 1997 was Public Services (PS), with uses including Recreation, Schools, Public and Semi-Public Lands. (see image below).



Zoning Map Prior to 1997

The construction of the 136 units began in December of 1940, over 80 years ago, and the structures have far exceeded their useful life. Currently, the KWHHA is plagued by high maintenance and repair costs, and those expenses continue to grow. It has been determined that the best path forward for the property is to demolish the structures and replace them through HUD’s Rental Assistance Demonstration (RAD) program. Preserving affordable housing, particularly in Key West, is crucial. In addition to the 136 families that the subject property currently serves, as of September 9, 2022, there are 1,917 additional families on the public housing wait list.

The current zoning (PS) does not allow for residential uses either by right or by conditional use, therefore, residential use is prohibited. Since the subject property was developed prior to the current zoning designation, its use is considered nonconforming, permitted to continue through Chapter 122, Article II of the Land Development Regulations (LDRs). Because the PS zoning district does not allow residential uses, the density for the subject property cannot be calculated under the current zoning.

In order for the KWHHA to move forward with redevelopment, a zoning map amendment is required. Additionally, based upon the surrounding zoning designations and uses and the City’s dire need for additional affordable housing, an appropriate zone for the subject property would be High Density Residential, which would allow for up to twenty-two (22) dwelling units per acre.

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 Public Service (PS). The proposed zoning map category is High Density Residential (HDR). 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 property. The current FLUM category is Public Service (PS). The proposed FLUM category is High Density Residential (HDR).

SURROUNDING ZONING DISTRICTS AND LAND USES:

Direction	Official Zoning Map Designation	Property Uses
North	Military (M)	Military uses
South	Historic Special Medium Density Residential (HSMDR); Historic Residential Commercial Core 2 (HRCC-2)	Single-family, two-family, and multi-family housing units
East	Military (M)	Military uses
West	Historic Residential Commercial Core 2 (HRCC-2)	Single-family, two-family, and multi-family housing units

OFFICIAL ZONING MAP AMENDMENT PROCESS:

Planning Board Meeting	September 15, 2022 (approved PB Res. 2022-045)
City Commission (1 st Reading / Transmittal):	October 19, 2022
City Commission (2 nd Reading / Adoption):	After DEO review of FLUM amendment
Local Appeal Period:	30 days
Rendering to DEO by City Clerk:	10 working days
DEO Review:	Up to 45 days
DEO Notice of Intent (NOI):	Effective when NOI posted to DEO site

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 1-1.2.1: Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use.
- Policy 1-1.13.2: Compatibility with Military Installations.
- Policy 3-1.1.1: Housing Assistance, Information and Referral Services
- Policy 3-1.1.11: Selecting Sites for Affordable Housing for Low and Moderate Income Households
- Policy 3-1.1.13: South Florida Regional Planning Council Initiatives

The proposed amendment would possibly increase the demand for some public facilities due to the increase in density. However, existing infrastructure will accommodate proposed residential developments; as such, any increased demand would be relatively small as the parcel currently has 136 residential dwelling units on the property. Additionally, the total size of the property and the dimensional requirements of the HDR 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.*

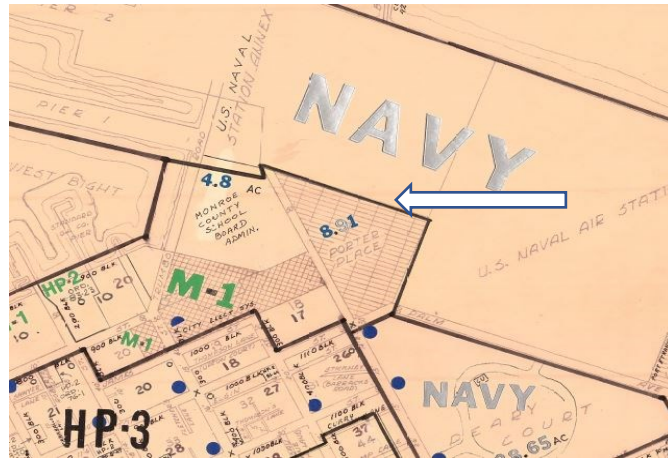
The conformity of the proposed Official Zoning Map amendment with all applicable requirements of the City Code is being evaluated herein. The submitted application and executive summary contains all of the information required by Code Section 90-520 for Official Zoning Map amendments.

- (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.

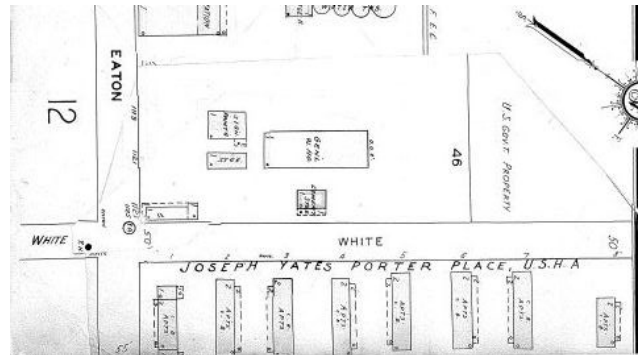
The new Future Land Use Map maintained the FLUM category that the property at 301 White Street previously had since the 1994 Comprehensive Plan and the 1997 Land Development Regulations. Prior to that, the property was zoned M-1 Light Industrial and Warehousing District (illustration below), which allowed manufacturing, warehousing, distribution, wholesaling and other industrial functions uses as-of-right and allowed planned industrial development uses and structures over 35 feet high as a special exception (similar to a conditional use).



Zoning Map Prior to 1997

The Sanborn maps document multi-family residential uses on the property, specifically public housing. While land use and development conditions have not changed since the effective date of the 2013 Comprehensive Plan, the Plan does have policies that support expanding opportunities for a range of housing types, inclusive of apartments, townhouses, efficiencies, and single room occupancies.

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 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 301 White Street is currently used as residential public housing; however, prior to 1993, the property was zoned M-1, which manufacturing, warehousing, distribution, wholesaling and other industrial functions uses as-of-right. The intent of the M-1 zone was to minimize adverse influences of the industrial activities on nearby nonindustrial areas and to eliminate unnecessary industrial traffic through nonindustrial areas. The proposed residential use of the property will be consistent with the adjacent HSMDR and HRCC-2 zoning districts as both allow multiple-family residential dwelling uses as-of-right.

The property at 301 White Street is currently used for residential purposes. The proposed HDR FLUM and HDR zoning district would allow for an increase in density concurrent with its current use but prohibit other uses that would potentially be incompatible with the surrounding land uses. Allowed uses within the PS Zoning District are listed in Code Sections 122-1017 and 122-1018.

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.

The following map shows the general land uses of properties (property classes) within 300 feet of the subject property.



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

(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 concurrency analysis concludes that the demand for public facilities would possibly increase for some public facilities due to the increase in density. However, existing infrastructure will accommodate proposed residential developments; as such, any increased demand would be relatively small as the parcel currently has 136 residential dwelling units on the property and would be limited by the rezoning to 192 dwelling units. 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.

(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 10KW. 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 be consistent with the current use of the property and would result in an orderly and compatible land use pattern. The Sanborn maps document historic residential uses of the subject property dating back to at least the 1940s. Orderly and compatible uses of the properties would be ensured through the application of the City's LDRs.

(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 planning board and the city commission may deem appropriate.

The housing needs of City residents currently far outweigh available housing within the City. Due to this, the housing situation has reached dire straits within the City, creating a critical situation. The result of the proposed zoning map amendment and the related FLUM amendment would be to accommodate the supply of housing responsive to the diverse housing needs of the existing and projected future population and to provide affordable quality public housing.

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 Public Service (PS) to High Density Residential (HDR) as recommended by the Planning Board through Resolution No. 2022-045.

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 Public Service (PS) to High Density Residential (HDR).

a. Financial Impact:

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

RECOMMENDATION:

As per the Planning Board Resolution No. 2022-045, the Planning Board, the Legal Department and Planning Staff recommend to the City Commission Option No. 1 for **approval** of the amendment to the Official Zoning Map.