

## EXECUTIVE SUMMARY



**To:** Greg Veliz, City Manager  
**Through:** Katie P. Halloran, Planning Director  
**From:** Roy Bishop, Planning Consultant  
**Meeting Date:** March 3, 2020 (postponed by applicant)  
April 7, 2020 (postponed)  
May 5, 2020

**RE:** **Text Amendment of the Comprehensive Plan** – An ordinance of the City of Key West, Florida, Amending the City’s Comprehensive Plan, Chapter 1, Entitled “Future Land Use Element”, amending boundaries of the Historic Residential (HR) and Historic Commercial (HC); Pursuant to Chapter 90, Article VI, Division 3; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for inclusion into the City of Key West Comprehensive Plan; Providing for an effective date.

### **ACTION STATEMENT:**

The purpose of this ordinance is to amend the City’s Comprehensive Plan to allow for a site-specific amendment to the Comprehensive Plan Future Land Use Map from Historic Residential to Historic Commercial (see image below).



*Current FLUM and Proposed FLUM*

### **BACKGROUND:**

The proposed ordinance to amend the City’s Comprehensive Plan is to address a parcel that is located on the dividing line of two zoning districts. The parcel is located at the corner of Whitehead and Petronia Streets. The aerial image (see image below) shows a dividing line, the top portion within the FLUM Historic Commercial (HC) zoning district and the bottom portion within the FLUM Historic Residential (HR) zoning district.



*Aerial Map of the Subject Property*

The property also falls within two zoning districts on the Official Zoning Map of the City of Key West (HNC-3 and HMDR). Prior to 1997, the zoning for the property was HP-3 (Light Commercial Historic Preservation) (see image below).



*Zoning Map Prior to 1997*

In 2011, the property received a conditional use approval to operate a 150-seat restaurant through Resolution no. 2011-059. In 2015, a minor modification of the conditional use approval was granted to allow a reduction in outdoor consumption area (76-square-foot) and an increase in indoor consumption area (76-square-foot). Restaurant use is a conditional use of the HNC-3 zoning district and it is a prohibited use in the HMDR zoning district.

A search of city licensing records revealed the following active licenses at the subject property:

License No.	Business Name	Location Address	Description	Comments
2019-000380	Blue Macaw Island Eats & Bar	804 Whitehead Street	Restaurant with 120 or more seats	Authorized for 150 seats (CUP # 29152)
2019-000381	Blue Macaw Island Eats & Bar	804 Whitehead Street	Entertainment permit for live or recorded amplified music	(none)

2019-000382	Blue Macaw Island Eats & Bar	804 Whitehead Street	Conditional use permit	Resolution #2011-059
8543	Old Town Key West Dev. LTD	806 Whitehead Street	Parking lot	(none)
10188	Bahama Village Market LLC	804 Whitehead Street	Non-transient residential rental units	Three non-transient rental units
29294	Historic Tours	320 Petronia Street	Revocable license for awnings or signs	Awning at 320 Petronia

**REQUEST / PROPOSED MAP AMENDMENT:**

The applicant is requesting an amendment to the City’s Comprehensive Plan Future Land Use Map (FLUM) for the subject property. The current FLUM designations are Historic Commercial (HC) and Historic Residential (HR). The proposed FLUM category is Historic Commercial (HC). Concurrent with the FLUM amendment, the applicant is also requesting an amendment to the City’s Official Zoning Map for the subject property. The current zoning is Historic Neighborhood Commercial District – 3 (HNC-3) and Historic Medium Density Residential (HMDR). The proposed zoning is Historic Neighborhood Commercial District – 3 (HNC-3). If approved, the request would result in an expansion of the HC FLUM and the HNC-3 zoning district.

**SURROUNDING FLUM AND USES:**

Direction	FLUM Designation	Property Uses
North	Historic Commercial	Commercial retail, multi-family public housing units, multi-family non-transient rental units
South	Historic Residential	Single-family, two-family, and multi-family housing units
East	Historic Commercial & Historic Residential	Commercial retail, multi-family housing units, and single-family housing units
West	Historic Commercial & Historic Residential	26-seat restaurant, single-family housing units, commercial retail

**CITY ACTIONS:**

Development Review Committee:

May 23, 2019

Planning Board Meeting:

July 18, 2019 (postponed by the applicant)  
August 15, 2019 (tabled by the board)  
September 19, 2019 (postponed by staff)  
October 17, 2019 (postponed by staff)  
November 21, 2019 (postponed by board)  
January 16, 2020 (approved PB RES. 2020-01)

City Commission (First Reading): March 3, 2020 (postponed by applicant)  
April 7, 2020 (postponed)  
May 5, 2020

*Review pursuant to Chapter 163.3184, Florida Statutes (approximately 60-days)*

City Clerk renders to DEO: 10 working days

DEO Review: Up to 60 days

City Commission (Second Reading): Within 180 days after Objections,  
Recommendations and Comments (ORC)

Local Appeal Period: 30 days

City Clerk renders to DEO: 10 working days

DEO Review: Up to 45 days

DEO Final Order: FLUM amendment becomes effective when  
the final order is received

**PLANNING STAFF ANALYSIS:**

The purpose of Chapter 90, Article VI, Division 3 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 boundaries of the Future Land Use Map (FLUM) of the Comprehensive Plan (i.e., specific comprehensive plan amendment) consistent with Chapter 163 of the Florida Statutes (F.S.). 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 COMPREHENSIVE PLAN  
FUTURE LAND USE MAP PURSUANT TO CODE SECTION 90-555:**

In evaluating proposed changes to the Comprehensive Plan FLUM, 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 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 FLUM amendment would not be inconsistent with the overall purpose of the Comprehensive Plan.

The proposed FLUM 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 1-1.1.6: Historic Preservation Areas.
- 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 1-1.2.2: Promote Orderly Land Use Transition.
- Policy 1-1.3.2: Designate Various Types of Mixed-Use Commercial Nodes to Accommodate Diverse Commercial Uses.

The applicant's concurrency analysis states that there is no proposed development or change to the existing uses, therefore, the demand for public facilities would not change. However, the total size of the property (16,461-square-feet) and the dimensional requirements of the FLUM HC 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 FLUM amendment are not anticipated to generate public facility needs that would trigger capital improvements.

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

The conformity of the proposed FLUM 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 90-554 for FLUM 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 special treatment.*
  - d. *Undeveloped land with similar comprehensive plan future land use map designation.*

**(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 conditions support or work against the proposed change.**

The Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013. The new Future Land Use Map maintained the residential FLUM category that the property at 318-324 Petronia Street (802-806 Whitehead Street) partially had since the 1994 Comprehensive Plan and the 1997 Land Development Regulations. Prior to that, the property was zoned HP-3 (illustration below), which allowed residential uses as-of-right and allowed commercial and institutional uses as a special exception (similar to a conditional use).



*Zoning Map Prior to 1997*

The Sanborn maps document a historical mix of residential and commercial uses on the property. While land use and development conditions may not have changed much since the effective date of the 2013 Comprehensive Plan, the Plan does have policies that support expanding opportunities for mixed-uses and reducing automobile dependency while promoting walkable communities.



*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 318-324 Petronia Street (802-806 Whitehead Street) is currently used for residential and nonresidential purposes. The proposed HC FLUM and HNC-3 zoning district would allow for mixed uses but prohibit transient uses and bars that would potentially be incompatible with the surrounding land uses. The map on the following page shows the general land uses of properties (property classes) within 300 feet of the subject property. Allowed uses within the proposed HNC-3 zoning district are listed in City Code Sections 122-867 and 122-868.

(Balance of page intentionally left blank.)



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

Pursuant to Code Section 122-866, the historic neighborhood commercial district (HNC-3) consists of the Bahama Village commercial core. The HNC-3 Bahama Village commercial core district includes the Bahama Village neighborhood commercial core along Petronia Street, approximately 200 feet southwest of Duval Street, and extends southwestward to the rear property lines of lots abutting the southwest side of Emma Street. The village area is a redevelopment area, including a commercial center linked to Duval Street. 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.

**(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 a concurrency determination pursuant to Chapter 94.**

The applicant's concurrency analysis concludes that the demand for public facilities would remain the same because there is no proposed development or change to the existing uses. Therefore, the proposed FLUM amendment is not anticipated to result in the capacity of any public facilities being exceeded.

**(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 FLUM 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 property is 11KW. The proposed FLUM 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 FLUM amendment would result in the existing area within the HC FLUM category rather than create an isolated parcel with this designation. The Sanborn maps document historic residential and nonresidential uses of the subject property dating to the 1800s. Orderly and compatible uses of the property would be ensured through the application of the City's LDRs and the Historic Architectural Review Committee (HARC) guidelines.

**(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 this subpart B and its enabling legislation.**

The proposed FLUM 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 city commission may deem appropriate.**

The property at 318-324 Petronia Street (802-806 Whitehead Street) currently falls within two zoning designations. The proposed FLUM amendment will place the entire property within one (1) zoning district and allow the existing restaurant and retail use to continue in a conforming manner.

**OPTIONS / ADVANTAGES / DISADVANTAGES:**

**Option 1:** Approve the text amendment to the City's Comprehensive Plan to allow for a site-specific amendment to the Comprehensive Plan Future Land Use Map from Historic Residential to Historic Commercial as recommended by the Planning Board through Resolution no. 2020-01

**a. Financial Impact:**

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

**Option 2:** **Deny** the text amendment to the City’s Comprehensive Plan to allow for a site-specific amendment to the Comprehensive Plan Future Land Use Map from Historic Residential to Historic Commercial.

**a. Financial Impact:**

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

**RECOMMENDATION:**

As per Planning Board Resolution 2020-01, the Planning Board and Planning Staff recommend to the City Commission option no. 1 for **approval** of the text amendment to the Comprehensive Plan.