RESOLUTION NO. 11-325

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN AND REVISIONS TO LAND DEVELOPMENT REGULATIONS IN RESPONSE TO THE PROPOSED SALE OF MILITARY PROPERTY TO A NON-GOVERNMENTAL ENTITY; ASSIGNING AN INTERIM ZONING DESIGNATION TO THE PROPERTY; CONTINUING THIS POLICY UNTIL AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West was informed on or about April 6, 2011, that the United States Navy, with its concessional housing partner, Balfour Beatty Communities, would be pursuing the sale of the property known as Peary Court (RE #00006730-000000, Alternate Key #1006963) and all of the structures on it, to a private entity; and

WHEREAS, the Peary Court property is located within a Military (M) Future Land Use Designation and zoning district; and

WHEREAS, Policy 1-2.6.2 of the Comprehensive Plan does not specify regulatory land use controls for lands that fall under the Military Future Land Use designation; and

WHEREAS, should the ownership change from military to a civilian entity, the existing Military (M) land use designation and zoning are no longer consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, in order to plan for necessary and appropriate land use designation and zoning change, the City Planning Department has proposed, and the Planning Board recommends, invoking the Zoning in Progress Doctrine; and

WHEREAS, Zoning in Progress will allow the City to provide an interim zoning designation, effective upon sale from the military to a non-military entity, should such real estate transaction occur prior to the City's completion of a change to the Future Land Use Element and Land Development Regulations respective to the Peary Court property; and

WHEREAS, under the Zoning in Progress Doctrine, the Planned Redevelopment District (PRD) land use designation would be the most consistent interim designation based on the existing site characteristics; and

WHEREAS, under the Zoning in Progress, staff will consider the following land use designation changes with respect to the Future Land Use change and Land Development Regulation change: Planned Redevelopment District (PRD), Historic Planned Redevelopment

District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations, should that be the most consistent with the unique site characteristics; and

WHEREAS, under the Zoning in Progress, applications for variances, conditional uses, special exceptions, development plans, or any other type of application which may extend, expand, enlarge, or increase in intensity any aspect of the site may not be submitted to the City by the civilian owner of the property and units; and

WHEREAS, the City's intention to invoke the "Zoning in Progress" was initially advertised in the Key West Citizen on the 5 day of November, 2011; and

WHEREAS, the City Commission wishes to definitively place all parties on notice that it is considering amendments to Future Land Use and supporting land use regulations; and

WHEREAS, the Key West Planning Board passed its Resolution No. 2011-050, recommending that the City Commission invoke Zoning in Progress, and adopt an interim PRD zoning designation for the Peary Court parcel; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

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

Section 2: That effective upon the sale of Peary Court (RE#00006730-000000, Alternate Key #1006963), where ownership should change from military to non-military, the property shall be subject to the Zoning in Progress Doctrine, and the land use designation shall change from Military (M) to an interim designation of Planned Redevelopment District (PRD), while City staff processes changes to the City's Comprehensive Plan and supporting Land Development Regulations.

Section 3: That this policy shall be in effect until the required Future Land Used Element Changes of the Comprehensive Plan and supporting Land Development Regulations are adopted and in effect and the City shall take all necessary steps to legally institute this resolution.

Section 4: That until expiration or repeal of this resolution, no applications for variances, conditional uses, special exceptions, development plans, or any other type of application which may alter, extend, expand, enlarge, or increase in intensity any aspect of the site maybe submitted to the City from the civilian owner of the property and units.

Section 5: That City staff is directed to continue the preparation and processing of the required changes to the

Comprehensive Plan and Land Development Regulations, with respect to the subject property.

Section 6: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 15 day of November, 2011.

Authenticated by the presiding officer and Clerk of the Commission on November 15, 2011.

Filed with the Clerk November 16, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK