



## THE CITY OF KEY WEST

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**April 2, 2013**

Ms. Aileen Boucle  
Florida Department of Transportation  
Intermodal Systems Development Office  
1000 NW 111<sup>th</sup> Avenue, Room 6111A  
Miami, FL 33172

**RE: EDTM #13815, Atlantic Boulevard Realignment project review**

Ms. Boucle,

This letter is in response to the EDTM #13815 Advanced Notification Package for the feasibility study for the Atlantic Boulevard Realignment Project in Key West. Portions of the roadway realignment project affect property owned by the City of Key West and portions affect property owned by Monroe County, but located within the City's municipal boundaries.

The City is aware that as part of the Transportation Alternatives Program, Monroe County has requested grant funding from the FDOT District 6 to design and re-align Atlantic Boulevard. The roadway realignment project is part of an approved Development Agreement between the County and the City for the Master Plan for Higgs Beach Park, a County park located within the City of Key West municipal boundaries (Resolution 12-149 (Exhibit A)). From 2010 through 2012 an extensive intergovernmental and community collaboration planning process took place that resulted in the Master Plan (Major Development Plan) approval by the City Commission through Resolution 12-148 (Exhibit B)) and the Board of (Monroe) County Commissioners (BOCC Resolution 132-2011(Exhibit C)).

The proposed roadway realignment program is for property located primarily on County property and is not contemplated by the City's Comprehensive Plan, as specific roadway improvements change over time and are not typically identified through the goals, policies and objectives of the Comprehensive Plan; however, several recreation facility improvements are listed within the newly adopted Capital Improvements 5-year schedule. Further, there are several references in the Recreation and Open Space Element that address existing city park facilities (Exhibit D).

The City of Key West supports the Higgs Beach Master Plan and the PD&E Feasibility Study of the Atlantic Boulevard Realignment project to improve safety and access to key Park features. Across White Street from the Higgs Beach Park and adjacent to Atlantic Boulevard is the City's Indigenous Park property that may potentially be impacted as a result of the proposed realignment project; in response the City has a few questions as you proceed through the PD&E Study:

1. When will the proposed roadway alignment/engineering drawings for Atlantic Boulevard be completed in a Cad layout plan to provide a more accurate alignment?
  - a. At the time of the review, we understand FDOT did not have a Cad layout plan and referred to the Higgs Beach Master Plan report for the current proposed roadway alignment.

2. The proposed roadway alignment along the southwest corner of Atlantic Boulevard and White Street will impact the existing parking lot and parking count for Indigenous Park.
  - a. Will the loss of parking spaces be accounted for in the additional proposed parking at Higgs Beach?
  - b. Will the City be compensated for the loss of land through a ROW purchase at Indigenous Park?
3. There exists a potential for overlap of improvements along the intersection of White Street, Atlantic Boulevard, and White Street Pier proposed in the Higgs Beach Master Plan for the realignment of Atlantic Boulevard with the proposed improvements at Indigenous Park and Rest Beach.
  - a. Limit of work will need coordination to eliminate work overlap and improvements not being in conflict between the City of Key West, Monroe County, and FDOT. Final roadway design for Atlantic Boulevard will need evaluation for alignment and impact during the Planning, Design, and Engineering study.
4. The Higgs Beach Master Plan has indicated evaluated areas for grave sites by means of ground penetrating radar mapping. See Memo: Ground - penetrating radar mapping in the search for graves Higgs Beach area, Key West, Florida by: Lawrence B. Conyers PhD Geophysical Investigations Inc., page 21, figure 28; memorandum provided by Jerry Barnett with the Higgs Beach Master Plan Documents. In the proposed realignment of Atlantic Boulevard a limited area was evaluated for grave site locations within Higgs Beach Park. With the proposed realignment of Atlantic Boulevard and the unknown impact from unrecorded grave sites beyond the evaluated area, the potential impact to Indigenous Park could be greater than expected.
  - a. This will have a direct impact on parking and could potentially impact the existing bocce ball courts and other improvements to Indigenous Park. Due to the unknown impact of future grave sites and roadway location the existing bocce ball courts could potentially have to be removed or relocated.
  - b. Will the PD&E Study evaluate in more detail grave site locations in additional areas to ensure limit of impact to Indigenous Park?
5. Within the Advance Notification package provided by the Florida Department of Transportation under Sections C. Preliminary Environmental Discuss, the proposed roadway alignment is to take place only in Clarence S. Higgs Memorial Beach Park.
  - a. The project aerial and location map identify the proposed alignment extending beyond the property limits of Clarence S. Higgs Memorial Beach Park across White Street into Indigenous Park. The perceived impact is greater than what is indicated in the Advance Notification Package.

Please do not hesitate to contact me if you have any additional questions.

Respectfully,



Nicole Malo, Planner II  
City of Key West

Attachments:

1. Exhibit A: City Commission Resolution 12-149 – Higgs Beach Park Development Agreement (Excerpt)
2. Exhibit B: City Commission Resolution 12-148 – Higgs Beach Park Master Plan. Ie. Major Development Plan (Excerpt)
3. Exhibit C: BOCC Plan approval and intergovernmental coordination efforts
4. Exhibit D: 2013 Capital Improvements 5-year Plan (Excerpt)
5. Exhibit E: Recreation and Open Space Element. Newly Adopted Comprehensive Plan

# **Exhibit A**

RESOLUTION NO. 12-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ATTACHED DEVELOPMENT AGREEMENT PER CHAPTER 90 ARTICLE IX OF THE LAND DEVELOPMENT REGULATIONS WITH THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That the attached development agreement between the City and Monroe County Board of County Commissioners, as property owners is hereby approved.

Section 2: 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 1st day of May, 2012.

Authenticated by the presiding officer and Clerk of the Commission on May 2, 2012.

Filed with the Clerk May 2, 2012.

  
\_\_\_\_\_  
CRAIG CAZAS, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH CITY CLERK

## EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager

**Through:** Donald Leland Craig, AICP, Planning Director

**From:** Nicole Malo, Planner

**Meeting Date:** May 1, 2012

**RE:** **Development Agreement - 1000 Atlantic Boulevard, Higgs Beach Park (RE#00058800-000000, 00058790-000100, 00058790-000000) - A Development Agreement with Monroe County for the redevelopment of Higgs Beach pursuant to Section 90-676 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

### ACTION STATEMENT:

Request: A Development Agreement for a Master Plan for the redevelopment of Higgs Beach Park, pursuant to Chapter 90, Article IX, Development Agreements

Location: 1000 Atlantic Boulevard, Higgs Beach Park  
RE# 00058800-000000, 00058790-000100, 00058790-000000

### BACKGROUND:

The City's Land Development Regulations allow the City Commission, at its sole discretion, to enter into Development Agreements with property owners. On January 4, 2012 the City Commission indicated its interest in entering into a Development Agreement with Monroe County Board of County Commissioners for the redevelopment of Higgs Beach Park approved through Resolution 12-018. Subsequently staff began review of a draft Agreement with the applicant which was modified in response to staff and legal comments made over a several month period. The draft Development Agreement came before the Planning Board for the city's first public hearing on March 27, 2012 and was approved (Resolution 2011-013) as required under the code, prior to transmittal to the City Commission for the second required public hearing.

The Higgs Beach Park Master Plan proposal is for the redevelopment of county property located within the city in order to promote safety, enhance public facilities and improve recreational areas within the City. The Master Plan was recommended for approval by the Planning Board with nine conditions at a public meeting held October 20, 2011, via Resolution 2011-049. The Master Plan is on a parallel approval track with the Development Agreement and shall be heard for final approval by the City Commission at the same time as this request. The Master Plan envisions multi-phase construction to be



completed as grant money becomes available. The Development Agreement will allow the Master Plan to remain active for the maximum time allowed by Code; although, additional time may be required to complete the project. Please see the Executive Summary and Staff Report prepared for the evaluation of the Master Plan and Resolution 2011-049, attached to this report.

This Development Agreement between the City and County will grant the developer the right to:

1. Extend the timeframe for Development Plan implementation to ten years pursuant to City Code Section 90-684; and
2. Partner with the City as necessary when seeking grants or other funding sources for the implementation of the Master Plan; and
3. Allow Administrative Modifications to the Master Plan that may exceed the scope of a Minor Deviation as described in City Code Section 108-91, in order to permit changes that improve the safety and public health of the park users, which may be required due to technical or engineering considerations; and
4. Insure that the approved Master Plan is exempt from future changes to the City Code or Comprehensive Plan that would require redesign of approved elements during the term of this Agreement; and
5. Exempt the County from fees for this Development Agreement during the entire term of this Agreement including, but not be limited to, application fees, permit fees, and impact fees; and
6. Establish the responsibility of financing the completion of the roadway realignment plan, as shown on the approved Master Plan, through grant funding. The County is responsible for securing funding and the City shall provide as needed assistance. If the funding does not materialize the County staff and the City staff shall meet and make recommendations to their respective Boards to determine how to facilitate the completion of the roadway realignment plan; and
7. Requires that a development phasing schedule be submitted to the City Planner for review prior to the beginning of each construction phase.

The Land Development Regulations acknowledge the findings of the state legislature that enable Development Agreements under Florida Statute, as follows (see Section 90-676):

*(1) The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.*

*(2) Assurance to a developer that, upon receipt of a development permit, the applicant may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in ensuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning and reduces the economic costs of development.*

*(3) The comprehensive planning process should be furthered by authorizing local governments to enter into development agreements with developers. The intent is to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.*

Given the site size and reliance upon public and grant funding for the Park development to serve both the citizens of Key West and its visitors, it appears appropriate to grant a Development Agreement. The Agreement gives the City a mechanism with which to control the timing and phasing of the development. While the Development Agreement process is not appropriate for every project, it is suitable for projects of this nature which allow a longer period of time for initiation and phasing of the project.

#### **Previous City Actions**

March 27, 2012	Planning Board recommended approval of the Development Agreement (per Resolution 2011-013)
October 20, 2011	Planning Board recommended approval of the Major Development Plan (per Resolution 2011-049)
January 4, 2012	City Commission Approval of Request for permission to enter into a Development Agreement with the City (per Resolution 12-018)
May 1, 2012	City Commission review of Major Development Plan and Development Agreement

#### **Proposed Development Agreement**

The City's Land Development Regulations set forth criteria for the contents of a Development Agreement. The specific criteria, as well as the location of the information within the Development Agreement, are addressed below:

#### **Development Agreement Review Criteria (Section 90-682)**

*(a) Any development agreement approved under this article shall contain not less than the following requirements as provided in F.S. § 163.3227:*



- (1) *A legal description of the land subject to the development agreement and the identification of all persons having legal or equitable ownership therein.*

A legal description is included under the chapter entitled Higgs Beach Legal Description (Page 5), and attached as *Exhibit A* that also includes identification of the owners through the Monroe County Property Appraisers Record Card.

- (2) *The duration of the development agreement, which duration shall not exceed five years, but which may be extended by mutual consent of the city and the developer. Any request for an extension shall be subject to the public hearing process necessary for the initial approval of the development agreement.*

The proposed duration of the agreement is ten years, per Terms of Agreement, Section 2, Duration and Renewal (Page 5).

- (3) *The development uses permitted on the land, including population densities, building intensities and building heights.*

The development plan does not propose to change the existing permitted uses on the land and density is not applicable to this development plan. The proposed uses are described in Terms of Agreement, Section (D), Development Plan (Sub-section 3), New Development Plan (Master Plan) (Sub-section 5), Population Density, Building Intensity and Height (Sub-section 6). Additional information regarding Development Uses and Intensity is covered under *Exhibit D- Traffic Impact Analysis, Proposed Development and Concurrency Analysis*.

- (4) *All documents required to comply with criteria cited in the land development regulations applicable to the subject project.*

The criteria for compliance cited in the Land Development Regulations are found in, Terms of Agreement: Section 4, New Development Plan (Master Plan); Section 5, Population Densities, Building Intensities and Height; Section 6, Set Backs and Floor Elevations; Section 9, Storm Water Runoff; Section 10, Parking; Section 11, Additional Redevelopment Terms: a. Energy Conservation, b. Landscaping, c. Schools and Affordable Housing, d. Access to Historic Sites (pages 5-9); Section 15, Required Permits and Approvals; Section 15, Finding of Consistency; and Section E. Local Laws and Policies Governing Agreement (Page 10).

- (5) *A description of the public facilities that will service the development, including designation of the entity that will be providing such facilities. Additionally, if new facilities are needed to serve the project, the date by which such facilities will be constructed shall be provided. A schedule to ensure that public facilities shall be available concurrent with the impacts of the development shall also be provided. Such schedule, relating the provision of public facilities or services to*

*events or thresholds in the development, may be substituted for the certain dates required under this subsection.*

Public facilities which will service the development can be found under Purpose of Agreement (6) (Page 4); Terms of Agreement, Section 8, Public Facilities and Utilities, Section 9, Stormwater Runoff (Page 7). In addition, the applicant has included a chapter on Concurrency Analysis, see *Exhibit D* which covers: Traffic Impacts; Potable Water and Sanitary Sewer, Recreation, Solid Waste and Drainage.

- (6) *The applicant may be required to provide for a performance bond, letter of credit, or similar instrument, to be deposited with the city, to secure the construction of any new facilities that are required to be constructed as part of the proposed development agreement. Alternatively, such construction may be a condition precedent to the issuance of any building permits or other development permissions. If the new public facilities are in place and operating at the time development permits are requested, no such performance bond or letter of credit shall be necessary unless such facilities are not adequate for the project.*

Not applicable. A concurrency analysis has determined that facilities will be available at the time of development.

- (7) *A description of any reservation or dedication of land for public purposes. The development agreement shall provide specifically how all impact fees and other funding requirements for the project are to be met.*

The agreement is for the dedication of the land for a public park.

- (8) *If land is to be conveyed to the city in discharge of the obligation of any impact fee or other similar obligation, the development agreement shall provide that such conveyance will be by warranty deed and will be accompanied by an environmental audit and a title insurance policy which shall be in an amount not less than the assessed value of the land. The applicant shall bear the cost of these requirements.*

Not applicable.

- (9) *A description of all development permits approved or needed to be approved for the development of the land, which description shall specifically include but not be limited to the following:*

*a. Any required comprehensive plan amendments or re-zonings.*

Not applicable.

- b. *Any required submissions to or approvals from the county; the South Florida Regional Planning Council; the state departments of community affairs (DCA), environmental protection (DEP), transportation (DOT), health and rehabilitative services (DHRS); the United State Army Corps of Engineers; the South Florida Water Management District; the United States Environmental Protection Agency; or any other departments with competent jurisdiction over any aspect of the proposed development.*

A description of potential required permits and approvals for the development are outlined under Terms of Agreement, Section 15, Required Permits and Approvals (Page 9).

- c. *If development requirements are not satisfied, action in reliance on the development agreement or expenditures in pursuance of its terms shall not vest any development rights to the applicant/property owner. Failure to perform as specified in the development agreement shall not constitute partial performance and shall not entitle the applicant or property owner to a continuation of the development agreement.*

These terms are addressed under the Terms of Agreement, Section 2, Duration (Page 5), Section 7, Phasing (Page 6), Section 12, Agreement Between City and County Regarding Grant Funding (Page 8), Section 13, Approval of Minor Modifications (Page 8); and Section F, Breach of Agreement and Cure Provisions (Page 10).

- (10) *A specific finding in the development agreement that the development permitted or proposed is consistent with the city's comprehensive plan and with the land development regulations. However, if amendments are required to the comprehensive plan or land development regulations, such amendments shall be specifically identified in the development agreement, and the agreement shall be contingent upon those amendments being made and approved by the appropriate governmental agencies.*

The department finds that the Development Agreement is consistent with the city's Comprehensive Plan and Land Development Regulations in the Terms of Agreement, Section 17, Finding of Consistency (Page 9). No amendments to the Comprehensive Plan or regulations are required as part of this agreement.

- (11) *The city commission may provide for any conditions, terms, restrictions or other requirements determined to be reasonably necessary for the public health, safety or welfare of city residents and property owners.*

October 20, 2011 the Planning Board recommended for approval the Development Plan with nine (9) conditions that shall be heard by the City Commission in conjunction with this Development Agreement. Planning Board conditions are as follows:

1. City Commission approval of the Intergovernmental Agreement
2. Staff approval of a composting facility is required by the City's Planning and Engineering Departments. Operations maintenance of the composting center shall be provided by the County and will remain in its adjacent location as proposed on the site plans.
3. The recycling center shall be screened from view by a fence and vegetation approved by the City's Urban Forester.
4. The applicant is responsible for designing and submitting a Signage Plan that is compatible with Section 108-285 of the Code to the Planning Department for approval before implementation.
5. Construction on the site including the development of Nature Visitors Center is required to be consistent with Chapter 255.2575(2). Florida Statutes which requires compliance with an accepted third party environmental standard (see Attachment for the full language of the relevant section of the statute).
6. 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).
7. Tree Commission approval is required for each phase of the removal/relocation and replacement of the Landscape Plan.
8. The wetland areas of the Whistling Duck Pond and the F.A.A Tower are required to be noted on the Landscape Plan. An upland/wetland jurisdictional line needs to be set for the area and work within the area requires environmental permitting and possible mitigation.
9. Revise design of scooter and bicycle parking areas to separate uses and add additional bollards or bicycle friendly parking areas throughout the park.

- (12) *A statement indicating that failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.*

This particular statement can be found under the Terms of Agreement, Section 18, Compliance with Permits, Terms, Conditions and Restrictions Not Identified (Page 10), for addressing this issue.

- (13) *At the city commission's discretion, the development agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.*

The proposed duration of the agreement is ten years, per Terms of Agreement, Section 2, Duration/ Renewal (Page 5). No timeline is proposed for construction to begin due to the need for grant funding and public dollars to begin construction, see Terms of Agreement, Section 7, Phasing (Page 6),

- (b) At such time as the city administrative official has reduced the terms of the proposed development agreement to written contractual form, the administrative official shall transmit such development agreement to the planning board and the city commission with a written recommendation from the development review committee.*

This report responds to this requirement.

- (c) Prior to the first public hearing, the proposed development agreement shall have been reviewed by the Planning Board, and its recommendation along with the development review committee's recommendation shall be provided to the City Commission.*

This report and associated backup documentation from the Planning Board hearing and DRC meeting responds to this requirement.

**Options/Advantages/Disadvantages:**

**Option 1: Approve the Development Agreement.**

- 1. Consistency with the City's Strategic Plan, Vision, and Mission:** Facilitating the redevelopment of city parks and recreation areas is consistent with the City's Strategic Plan, Vision, and Mission.
- 2. Financial Impact:** There is not an anticipated financial impact to the City related to this request. Although long term property values in and around the park should be improved through long-term infrastructure improvements.

**Option 2: Deny the Development Agreement.**

- 1. Consistency with the City's Strategic Plan, Vision, and Mission:** The denial of the request is not consistent with the City's Strategic Plan, Vision, and Mission.
- 2. Financial Impact:** There is not an anticipated financial impact to the City related to this request. However, denying the request may cause the city to lose the opportunity for a significant improvement to one of the city's most significant public recreational resources.

**Recommendation**

The Planning Department recommends **approval** of the request for a Development Agreement as approved by the Planning Board.

**Prepared by:**

Office of Monroe County Attorney  
Natileene W. Cassel, Asst. County Attorney  
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**DEVELOPMENT AGREEMENT FOR HIGGS BEACH PARK**

This **AGREEMENT** is made and entered as of this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the **CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA**, ("City"), a municipal corporation of the State of Florida, and the **BOARD OF COUNTY COMMISSIONERS FOR MONROE COUNTY, FLORIDA**, ("Developer" or "County"), a subdivision of the State of Florida.

**WITNESSETH:**

**WHEREAS**, the City Commission for the City of Key West and the Monroe County Board of County Commissioners recognize the following:

A. This Agreement is entered into in accordance with the Florida Local Government Development Agreement Act, 163.3220-163.3243, Florida Statutes; and

B. This Agreement is entered into in accordance with Florida Interlocal Cooperation Act, 163.01, Florida Statutes; and

C. The Key West Code of Ordinances Sections 90-676 to 90-677 authorizes Development Agreements and establishes the procedures and requirements to enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction; and

**D.** Monroe County is the owner and developer of the property located at Higgs Beach, which is being used as a park located within the jurisdictional boundaries of the City of Key West, Florida; and

**E.** Higgs Beach is recognized by both the County and City Comprehensive Plans; and

**F.** On March 10, 2010, the County authorized the development of a Master Plan for Higgs Beach comprised of two phases. The first phase, development of a Master Plan, included a planning and design process to gather community and stakeholder input, acquired a new boundary survey, conducted a ground penetrating radar survey to locate impacted archeological resources and coordinated with staff of the City of Key West; and

**G.** The Higgs Beach Master Plan was developed with significant community input over several months; the master planning process included multiple public meetings and several smaller neighborhood meetings with park stake holders conducted by the County. The local community group, known as the Friends of Higgs Beach, and the neighbors immediately adjacent to the park were active participants in the Master Planning process. Their concerns were considered and addressed to the greatest extent practicable.

**H.** On January 19, 2011, the County approved the Higgs Beach Master Plan, Option F, and directed county staff to secure Major Development Plan approval from the City; and

**I.** On July 1, 2011, Monroe County submitted an application for approval of a Major Development Plan which came before the City Planning Board, at a duly noticed public hearing, on October 20, 2011, whereupon the Planning Board granted Major Development Plan approval pursuant to Resolution #2011-059; and

**J.** On December 14, 2011, the County made a written request to enter into a Development Agreement with the City; and

**K.** On January 3, 2012, the City Commission authorized the County to proceed with the creation of a Development Agreement for Higgs Beach; and

**L.** On January 19, 2012, the County Commission agreed to submit to the City this Development Agreement; and

**M.** The Key West City Commission and the Monroe County Board of County Commissioners find that entering into this Development Agreement furthers the purposes, goal, objectives, and policies of their respective Comprehensive Plans;

**N.** The City and the County agree that realignment of Atlantic Boulevard through Higgs Beach, that also affects the intersections at White Street and Reynolds Street must be changed for safety reasons and to protect the natural, cultural and historic archeological resources of the area.



**NOW THEREFORE**, in consideration of the mutual covenants entered into between the parties, and in consideration of the benefits to accrue to each, it is agreed as follows:

**A. RECITALS.**

The above recitals set forth in the preceding "Whereas" clauses are true and correct and are incorporated herein and made a part hereof.

**B. DEFINITIONS.**

For the purposes of this Agreement, the following terms shall have the following meanings. Terms not defined in this Agreement shall be as defined in the City Code, in Chapter 163, Florida Statutes, or, if not defined in the Code or Statute, shall be understood by their usual and customary meaning.

1. **"Agreement"** shall refer to this Development Agreement, as the same may be subsequently amended, modified or supplemented pursuant to its terms and provisions and pursuant to the provisions of Sections 163.3220-163.3243, inclusive, Florida Statutes.

2. **"City"** shall refer to the City of Key West.

3. **"City Code"** shall refer to the Code of Ordinances of the City of Key West in existence on the Effective Date of this Agreement.

4. **"City Comprehensive Plan"** shall refer to the City of Key West Comprehensive Plan, in existence on the Effective Date of this Agreement.

5. **"County"** shall refer to the Monroe County government, a political subdivision of the State of Florida.

6. **"County Code"** shall refer to the Code of Ordinances of Monroe County, Florida, in existence on the Effective Date of this Agreement.

7. **"County Comprehensive Plan"** shall refer to the County's Comprehensive Plan, in existence on the Effective Date of this Agreement.

8. **"Developer"** shall mean Monroe County, a governmental agency.

9. **"Development"** shall refer to the redevelopment of the Property for the uses permitted by the Land Use Plan and Land Development Regulations, subject to the conditions, obligations, restrictions and terms contained in this Agreement.

10. **"Development Plan"** is referred to as the Development Plan and as the Master Plan.

11. **"Effective Date"** shall refer to the date this Agreement becomes effective, as set forth in Section J. of this Agreement.

12. **“Florida Department of Transportation”** (FDOT) refers to the agency of the State of Florida, as defined in Florida Statutes Chapter 20.23.

13. **“Land Use Plan”** shall mean the Future Land Use Element and Future Land Use Map of the City’s Comprehensive Plan in existence on the Effective Date of this Agreement.

14. **“Land Development Regulations”** shall mean Subpart B Chapter 86 through Chapter 122 of the City Code in existence on the Effective Date of this Agreement.

15. **“Owner”** shall refer to the County, the Owner of the Property subject to this Agreement.

16. **“Property”** shall refer to the parcel of real property located in the City that is the subject of this Agreement as set forth in Section D.1. of this Agreement.

17. **“Public Facilities”** means those facilities identified in Section 163.3221, Florida Statutes (2010), and as set forth in this Agreement.

**C. PURPOSE OF AGREEMENT.**

The purpose of the Agreement is to:

1. Extend the timeframe for Development Plan implementation pursuant to City Code Section 90-684; and
2. Partner as necessary when seeking grants or other funding sources for the implementation of the Development Plan; and
3. Allow Administrative Modifications to the Master Plan that may exceed the scope of a minor deviation as described in City Code Section 108-91, in order to permit changes that improve the safety and public health of the park users, which may be required due to technical or engineering considerations; and
4. Insure that the approved Master Plan is exempt from future changes to the City Code or Comprehensive Plan that would require redesign of approved elements during the term of this Agreement; and
5. Exempt the County from fees for this Development Agreement during the entire term of this Agreement which shall include, but not be limited to, application fees, permit fees, and impact fees; and
6. Establish the responsibility of financing the completion of the roadway realignment plan, as shown on the approved Master Plan, through grant funding. The County is responsible for securing funding and the City shall provide as needed assistance. If the funding does not materialize the County staff and the City staff shall meet and make recommendations to their respective Boards to determine how to facilitate the completion of the roadway realignment plan.

**D. TERMS OF AGREEMENT.**

**1. Legal Description and Owner**

The owner of the property is Monroe County. The legal description for the property subject to this Agreement is set forth in Exhibit "A".

**2. Duration/ Renewal**

This Development Agreement, also referred to as the Master Plan, shall remain in effect for a period of ten (10) years, commencing on the Effective Date set forth below. The parties recognize that it may be necessary to extend the Development Agreement beyond the ten (10) years permitted to complete the project-that the County may seek an extension pursuant to Code Section 90-684.

**3. Existing Development**

The property contains the following existing development which will remain on the property:

- a. The historic African Memorial Cemetery;
- b. The historic West Martello Tower and gardens;
- c. The Salute Restaurant;
- d. Two historic band stands, aka gun turrets;
- e. The existing toilets;
- f. Four shade pavilions in the dog park;
- g. Beach concessions.

**4. New Development Plan (Master Plan)**

The Development Plan, also known as the Master Plan, was approved by the City Commission pursuant to Resolution 2012-\_\_\_, attached hereto as Exhibit "B". Administrative Modifications to the Master Plan may exceed the scope of a minor deviation as described in City Code Section 108-91, in order to implement elements that improve the safety and public health of the park users, which may be required due to technical concerns, engineering considerations, to meet environmental goals, or to meet regulatory requirements and shall be promptly reviewed, and considered by the City Planner according to Chapter 108.

In addition to the existing development, the plan includes:

- a. Visitor and Nature Center;
- b. Relocation of internal road and White Street enhancements;
- c. Relocation parking lots;
- d. Add bicycle lanes;
- e. Expand Beach area;
- f. Relocate and expand Astro City Playground;
- g. Add or expand sidewalks for pedestrian use;
- h. Add two maintenance buildings;
- i. Add two volleyball courts and two pickle ball courts;
- j. Remove two tennis courts;

- k. Add PAR fitness course;
- l. Expand open space;
- m. Relocate small dog park, revise large dog park;
- n. Revise outdoor lighting fixtures;
- o. Renovate and add landscaping;
- p. Revise storm water systems;
- q. Relocate utilities as required;
- r. Add sculpture garden;
- s. Renovate Whistling Duck Pond.

**5. Population Densities, Building Intensities and Height**

- a. The property will remain a recreational park, no residential uses are proposed.
- b. The proposed floor area ratio is 4%, well below the 20% maximum floor area ratio allowed for recreation and open space pursuant to Section 122-1020 of the City Code.
- c. All proposed structures are designed to be within the twenty-five (25) foot height limitation pursuant to Section 122-1020 of the City Code.

**6. Set Backs and Floor Elevations**

- a. All proposed new buildings are designed with finished floor elevations at or above the City's floodplain management requirements.
- b. All the setbacks fall within or exceed the requirements of the City Code, except for the setback for the existing West Martello Tower that exceeds the Coastal Construction Control Line and will not be changed. Setbacks are illustrated on the chart below which includes the required setbacks and the existing setbacks:

Type	Required	Existing	Proposed
Front (White Street)	20'	25'4"	25'4"
Side (Casa Marina Court)	15'	123'9"	24'0"
Rear (Reynolds Street)	20'	237'8"	55'4"
Coastal Construction	50'	11'5"	11'5"

**7. Phasing**

The Development Plan may be developed in two or more phases. The County will submit development phasing schedules to the City Planner before construction for each phase begins. If in any case all development contemplated in the phasing plan and associated with an active development phase is not completed within the timeframe established by this Agreement, construction shall continue pursuant to the Development Plan for which a building permit is issued and any appurtenant uses and structures necessary to serve the development phase.

8. **Public Facilities and Utilities Serving Redevelopment**

a. **Traffic Flow and Roads.** A traffic impact report is attached hereto as Exhibit "D". According to the report the proposed enhancements to Higgs Beach will not negatively affect level of service standards and will improve traffic safety along Atlantic Boulevard and ingress/egress to the various parking areas within the park.

Although coordination has begun through the City's development approval process, further coordination is required with the City's Utilities Department and with Keys Energy and the Florida Keys Aqueduct Authority at the time the road is relocated.

b. **Solid Waste.** The County is responsible for all solid waste and recycling removal from the site. Waste disposal is provided to the Property by a vendor under contract with the County.

c. **Potable Water.** Potable water is provided to the park by the Florida Keys Aqueduct Authority. The approved plan includes cisterns to capture rainwater and grey water reuse is planned.

d. **Sewer.** The property is connected to a central sewer system operated by the City.

e. **Electric Service.** Electric Service is provided by Keys Energy.

f. **Fire Service.** Fire service is provided by the City Fire Department.

9. **Storm Water Runoff**

A conceptual Storm Water Drainage Plan has been developed to maintain the storm water on site as required by City Code, see attached plan as Exhibit "B".

10. **Parking**

The proposed plan maintains the same number of existing parking spaces (145) on site of the 145 spaces, 123 are standard parking spaces, 16 are compact spaces, and 6 are handicapped accessible. There are 45 bicycles and/or scooter spaces proposed. Perimeter landscaping around the parking areas is proposed to shield automobile lights from adjacent uses. Proposed new lighting shall meet "Dark Sky" lighting requirements, and stormwater drainage requirements have been met for all parking areas. The proposed parking plan is in compliance with the City Code and ADA standards have been met.

11. **Additional Redevelopment Terms**

a. **Energy Conservation.** Construction on the site including the development of the Nature Visitors Center is required to be consistent with Chapter 255.2575(2). Florida Statutes which requires compliance with an accepted third party environmental standard. Therefore, the Nature Center has

been designed to reduce energy needs. Design components of the building include solar hot water, collection of grey water for reuse, green walls and green roof, cross ventilation, white reflective roof material, solar electric panels, ultra low flow plumbing fixtures, and low Volatile Organic Compound (VOC) interior materials.

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).

The proposed landscape plan incorporates native plant material, clustering of plant material for water conservation, use of salt tolerant grasses, and installation of canopy trees for surface heat reduction.

**b. Landscaping.** The Landscape Plan was approved as part of the Development Plan approval through Resolution 2012-\_\_\_ and was approved by the Tree Commission on October 19, 2011. The Landscape Plan is attached hereto as a portion of Exhibit "B". As part of the approval a Landscape Waiver Letter was issued by the Planning Department on October 11, 2011, pursuant to City Code Section 108-226 that specifically waives requirements to provisions 108-413(b), 108-415(a) and 108-481(a).

**c. Schools and Affordable Housing.** School population is not affected, nor does the park create a need for housing.

**d. Access to Historic Sites.** The Master Plan provides improved access to the West Martello Tower, and the African Memorial and Grave yard by relocating Atlantic Boulevard away from the tower and grave sites and adding a multi-purpose gathering area. The additional graves discovered during ground penetrating radar studies are protected through the design that was approved for open space and passive recreational uses only. If additional gravesites are discovered when the present roadbed is moved, the gravesites will be protected and incorporated into the Memorial.

**12. Agreement Between City and County Regarding Grant Funding**

The City and the County agree to partner when seeking grants or other funding sources for the implementation of the Development Plan. The County is responsible for securing funding and the City shall provide as needed assistance. If the funding does not materialize the County staff and the City staff shall meet and make recommendations to their respective Boards to determine how to facilitate the completion of the roadway realignment plan. Nothing herein shall be construed to impart financial responsibility to the City to complete the Master Plan.

**13. Approval of Minor Modifications**

The City Planning Director shall have the responsibility to review and approve any phasing schedule and may approve Administrative Modifications to the Master Plan that exceed the scope of a Minor Deviation pursuant to Code Section 108-91, in order to allow changes that improve the safety and public health of the park users, that may be required due to technical concerns, engineering considerations, to meet environmental goals, or to meet regulatory requirements and shall be promptly reviewed, and considered by the City Planner according to Chapter 108.

**14. Fees Related to Development Agreement**

The City agrees that during the entire term of the Agreement fees associated with this Development Agreement shall be waived due to the benefit received by the City and its residents as a result of the development of the Higgs Beach property and shall include, but not be limited to, application fees, permit fees, and impact fees.

**15. Required Permits and Approvals**

The following is a list of all development permits and approvals needed to be approved for the development of the property as specified and requested in this Agreement:

- a. Development Agreement; and
- b. Major Development Plan; and
- c. Building and related construction permits, including but not limited to paving, drainage, accessory structures, land clearing, and landscaping; and
- d. Federal, State, regional and local permits for storm water runoff, driveway connections, utility connections, and environmental (or endangered species) takings, when necessary and if required.
- e. FAA for relocation of the tower;
- f. Phasing Schedule for the implementation of the Development Plan approved by the City Planner.

**16. Dedication of Property for Public Purpose**

The dedicated purpose for use of the Property shall be as a public park, it is in the best interest of the City for the property to remain as a public park.

**17. Finding of Consistency**

By entering into this Agreement the City finds that the Development Plan Resolution 2012- \_\_\_\_ proposed for the Property as provided in this Agreement is consistent with City's Comprehensive Plan, Land Development Regulations as presently written.



18. **Compliance with Permits, Terms, Conditions and Restrictions Not Identified**  
Failure of the Development Agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

**E. LOCAL LAWS AND POLICIES GOVERNING AGREEMENT.**

This Agreement shall govern the development of the Property for the duration of the Agreement. During the term of the Agreement the City and County agree to abide by the respective Comprehensive Plans and Land Development Regulations in effect on the effective date of the Agreement.

City and County laws and policies adopted after the Effective Date may be applied to the Property only if the determinations required by Section 163.3233, Florida Statutes, have been made after written notice to County, the developer, and at a public hearing. This Development Agreement was drafted and delivered in the State of Florida and shall be construed by and enforced under the laws of the State of Florida.

**F. BREECH OF AGREEMENT AND CURE PROVISIONS.**

If development requirements are not satisfied, action in reliance on the development agreement or expenditures in pursuance of its terms shall not vest any development rights to the applicant/property owner. Failure to perform as specified in the development agreement shall not constitute partial performance and shall not entitle the applicant or property owner to a continuation of the development agreement.

**G. AMENDMENT BY MUTUAL CONSENT.**

The Development Agreement may be amended by mutual consent which shall require a written document approved by the City Commission and the Board of County Commissioners, and shall require two (2) public hearings by the City.

**H. MODIFICATION OR INVOLUNTARY REVOCATION OF DEVELOPMENT AGREEMENT TO COMPLY WITH SUBSEQUENT STATE AND FEDERAL LAW.**

In the event that any state or federal law is enacted after the execution of this Agreement that is applicable to and precludes the parties from complying with the terms of this Agreement, then this Agreement shall be modified or revoked as is necessary to comply with the relevant state or federal law. Prior to modifying or revoking this Agreement under this provision, the City shall hold two public hearings.

**I. RECORDING.**

Within 14 days of approval by the City the Agreement shall be recorded with the Clerk of the Circuit Court in the Public Records of Monroe County, at the expense of the County.

**J. EFFECTIVE DATE AND DATE OF AGREEMENT.**

This Agreement shall be effective when the Department of Economic Opportunity (DEO) waives their right to appeal or after the 45 day DOE appeal period, whichever comes first, as required pursuant to Section 380.05 Florida Statute. The date of this Development Agreement is the date the last party signs this Development Agreement.

**K. ANNUAL REVIEW.**

The City shall review the Development Agreement annually pursuant to Section 163.3235, Florida Statutes, and Section 90-688 of the City Code to determine if there has been demonstrated good faith compliance with the terms of the Development Agreement.

**L. TERMINATION OF THE AGREEMENT BY THE PARTIES.**

The Agreement may be terminated at any time by mutual consent or if the City finds, subsequent to an annual review, that there has been a failure to comply with the terms of the Development Agreement, the Agreement may be revoked or modified by the City. Such revocation shall be determined by the City Commission at a noticed public hearing and based on substantial competent evidence.

**M. ASSIGNMENT OF AGREEMENT.**

This Agreement, or portions thereof, shall not be assigned by County, without the express written approval of City, which consent may be withheld in the sole discretion of the City.

**N. ENFORCEMENT.**

Any party aggrieved or adversely affected person as defined in Section 163.3215(2) may file an action for injunctive relief in the circuit court in Key West, Florida to enforce the terms of this Agreement or to challenge compliance of the agreement with Sections 163.3220 – 163.3243, Florida Statutes.

**O. SUCCESSORS.**

This Agreement shall be binding upon all the parties and their successors in interest, heirs, assigns and personal representatives.

**P. NOTICES.**

The parties designate the following persons as representatives to be contacted and to receive all notices regarding this Agreement:

**For the City of Key West:**

City Planning Director  
Post Office Box 1409  
Key West, FL 33040  
Telephone: 305-809-3728

**With a copy to:**

City Manager  
Post Office Box 1409  
Key West, FL 33040  
Telephone: 305-809-3888

City Attorney  
Post Office Box 1409  
Key West, FL 33040  
Telephone: 305-809-3770

**For the County:**

County Administrator  
1100 Simonton Street  
Room 2-205  
Key West, FL 33040  
Telephone:

**With a copy to:**

County Attorney  
PO Box 1026  
Key West, FL 33040  
Telephone:

Project Management  
1100 Simonton Street  
Room 2-216  
Key West, FL 33040  
Telephone:

All parties are responsible to notify the other in writing of a change of address for proper notice.

**R. CONFLICTS.**

In the event of a conflict between the provisions of this Development Agreement and City ordinances, the terms of this Development Agreement shall control.

**S. SEVERABILITY.**

In the event any provision, paragraph or section of this Development Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the enforceability or the validity of the remaining provisions of this Development Agreement.

**T. SINGULAR AND PLURAL.**

When the context requires, the singular includes the plural, and the plural includes the singular.

**U. DUPLICATE ORIGINALS; COUNTERPARTS.**

This Development Agreement may be executed in any number of originals and in counterparts.

**V. HEADINGS.**

The headings contained in this Development Agreement are for identification purposes only and shall not be construed to amend, modify, or alter the terms of the Development Agreement.

**W. ENTIRETY OF AGREEMENT; INCORPORATION OF PRIOR DEVELOPMENT APPROVALS.**

This Development Agreement incorporates or supersedes all prior negotiations, correspondence, conversations, agreements or understandings regarding the matters herein. The parties agree that there are no commitments, agreements, or understandings concerning the subjects covered by this Development Agreement that are not contained in or incorporated by reference. This Development Agreement contains the entire and exclusive understanding among the parties and may not be modified in any manner except by instrument in writing signed by the parties.

**IN WITNESS WHEREOF**, the parties hereto, by their duly authorized representatives have set their hands and seals on the dates written below.

(SEAL)  
Attest: **DANNY L. KOLHAGE, Clerk**

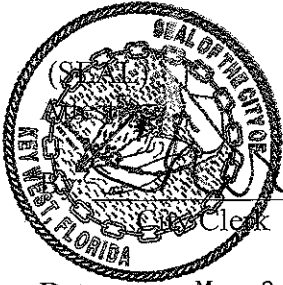
**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor/Chairman

Date: \_\_\_\_\_

Date: \_\_\_\_\_



Cheryl Smith  
Clerk Cheryl Smith

Date: May 2, 2012

CITY OF KEY WEST

By: Craig Cates  
Mayor Craig Cates

Date: May 2, 2012

Approved as to Form and Legal Sufficiency:

Shawn Smith  
City Attorney Shawn Smith

# Exhibit B

RESOLUTION No. 12-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 1000 ATLANTIC BOULEVARD - HIGGS BEACH PARK IN THE PS (PUBLIC AND SEMIPUBLIC SERVICE) ZONING DISTRICT (RE# 00058800-000000, 00058790-000100, 00058790-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 of the Code of Ordinances provides that within the PS zoning district the addition of outdoor activity or similar activities shall require approval of a Major Development Plan; and

WHEREAS, the applicant proposed a Master Plan with associated Landscape Plan to redevelop the Higgs Beach Park area; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on October 20, 2011, resulting in Planning Board Resolution No. 2011-049; 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 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 a Master Plan for the redevelopment of Higgs Beach Park in the PS zoning district at 1000 Atlantic Boulevard (RE# 00058800-000000, 00058790-000100, 00058790-000000), as shown in the attached plans dated August 30, 2011, with the nine (9) conditions provided in Planning Board Resolution No. 2012-049 and specified as follows:

(1) City Commission approval of the Intergovernmental Agreement Agreement. (2) Staff approval of a composting facility is required by the City's Planning and Engineering Departments. Operations maintenance of the composting center shall be provided by the County and will remain in its adjacent location as proposed on the site plans. (3) The recycling center shall be screened from view by a fence and vegetation approved by the City's Urban Forester. (4) The applicant is responsible for designing and submitting a Signage Plan that is compatible with Section 108-285 of the Code to the Planning Department for approval before implementation. (5) Construction on the site, including the development of Nature Visitors Center, is

required to be consistent with Chapter 255.2575(2), Florida Statutes which requires compliance with an accepted third party environmental standard (see Attachment for the full language of the relevant section of the statute). (6) 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). (7) Tree Commission approval is required for each phase of the removal/relocation and replacement of the Landscape Plan. (8) The wetland areas of the Whistling Duck Pond and the F.A.A Tower are required to be noted on the Landscape Plan. An upland/wetland jurisdictional line needs to be set for the area and work within the area requires environmental permitting and possible mitigation. (9) Revise design of scooter and bicycle parking areas to separate uses and add additional bollards or bicycle friendly parking areas throughout the park.

Section 3. 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 4. 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 5. 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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval, or until the date DCA issues a written waiver of appeal, whichever is sooner; that within the forty five (45) day review period the DCA 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 1st day of May, 2012.

Authenticated by the presiding officer and Clerk of the Commission on May 2, 2012.

Filed with the Clerk May 2, 2012.

  
CRAIG CAPES, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK



## **EXECUTIVE SUMMARY**

**To:** Jim Scholl, City Manager  
**Through:** Donald Leland Craig, AICP, Planning Director  
**From:** Nicole Malo, Planner II  
**Date:** May 1, 2012  
**RE:** **Major Development Plan – 1000 Atlantic Boulevard, Higgs Beach Park (RE# 00058800-000000, 00058790-000100, 00058790-000000) - A** Major Development Plan request for the redevelopment of Higgs Beach Park located in the Public Service and Semipublic Service (PS) zoning district pursuant to Section 108-91(B.)(2.)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

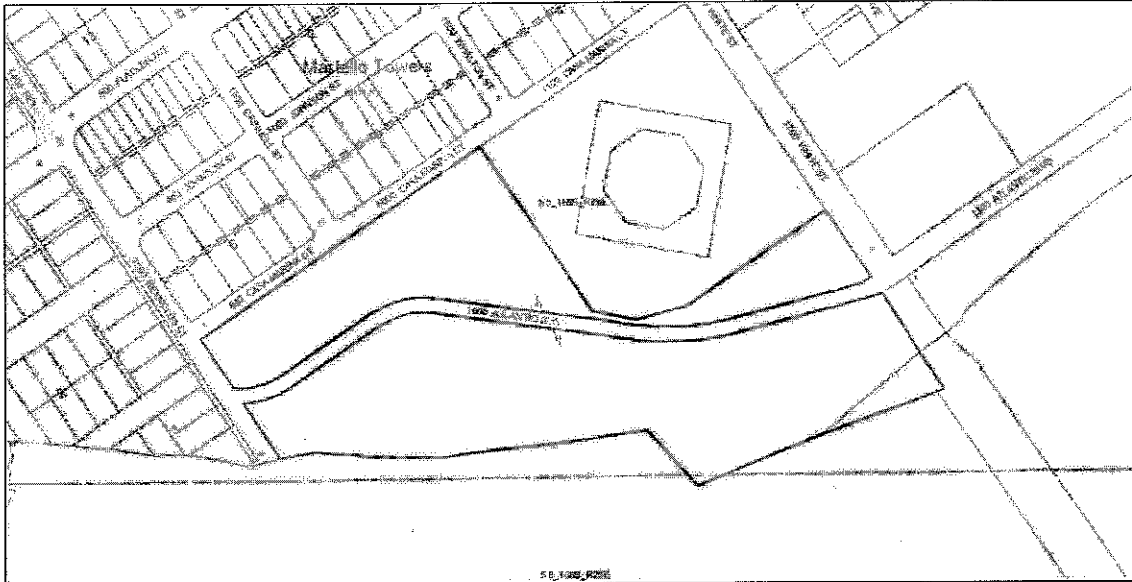
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### **Action Statement:**

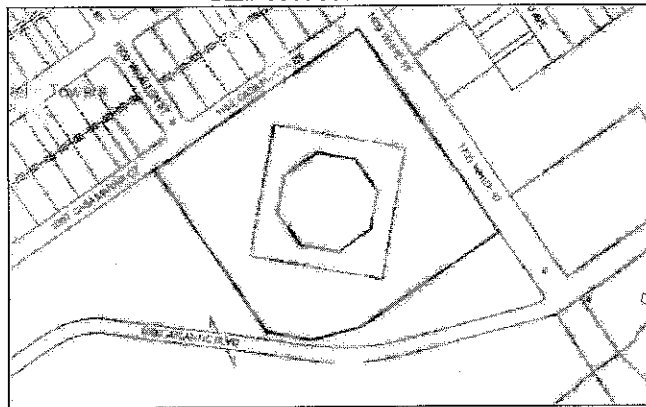
**Request:** A request to consider the approval of a Master Plan to redevelop Higgs Beach Park, located on County Property within the municipal boundaries of the City of Key West. The Development Plan is supported by a proposed Development Agreement that establishes development phases that will be considered at this meeting separately from the Development Plan request.

**Location:** 1000 Atlantic Boulevard, Higgs Beach Park  
RE# 00058800-000000, 00058790-000100, 00058790-000000

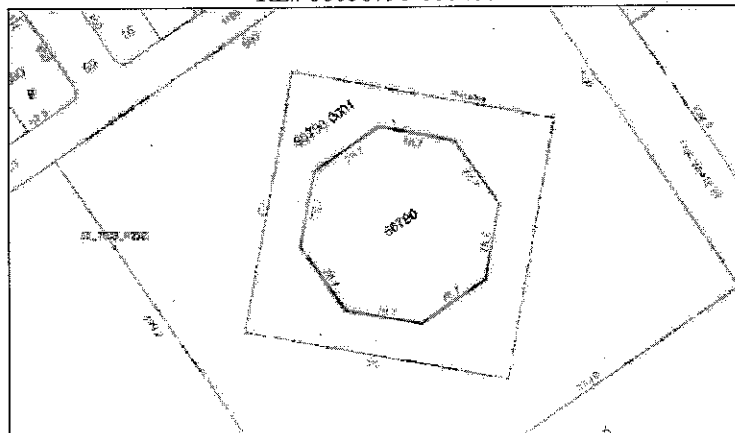
**Zoning:** Public Service and Semi Public Service Zoning District



Property of Monroe County  
RE# 00058800-000000



Property of Monroe County  
RE# 00058790-000100



Property of US Government  
RE Number 00058790-000000

**Previous City Actions:**

**Development Review Committee Meetings**

July 28, 2011

August 26, 2011

**Tree Commission Meeting**

October 19, 2011

**Planning Board Meeting**

October 20, 2011

**City Commission Meeting**

May 1, 2011

**Background:**

On October 20, 2011 the Planning Board approved the Master Plan for the redevelopment of the Higgs Beach Park with nine conditions of approval (Resolution 2011-049). Since that time the applicant has been working with City staff on the associated Development Agreement that establishes timeframes for phasing in order to bring the associated requests forward together for City Commission review. Additionally, the county has budgeted for and relocated the Astro-City Playground equipment from the north side of Atlantic Boulevard to the beach as part of a separate request. A letter was administered by the Planning Department on May 10, 2011 recognizing the request as separate from the development plan approval phase (see attached Letter).

The proposed development plan includes three parcels of which two are owned by Monroe County and the third, as shown above, is part of a current negotiation effort between the County and the Federal Aviation Administration (FAA). Although Higgs Beach Park lands are not owned by the City of Key West, the property falls within the jurisdictional boundaries of the city and is therefore subject to municipal review and regulation.

Since 1999 Higgs Beach Park has been the focus of the Board of County Commissioners (BOCC), neighbors and city interest groups such as the Friends of Higgs Beach for redevelopment. At that time community concerns included: security and vagrancy issues, signage and lighting, safe parking design and traffic, and beach cleanliness. As a result of the combined efforts, in 2001 a Master Plan was approved but never funded, although some improvements were implemented based on the plan. More recently, in 2009 the County Mayor in conjunction with the Friends of Higgs Beach and the Garden Club began a series of actions to make feasible the much needed Beach Park improvements. Later that year as a result of BOCC established Advisory Committee recommendations, Architect William P. Horn was chosen to establish a qualified design team and complete a Master Plan for the park to improve existing facilities and address the numerous dysfunctional park aspects including lack of stormwater management, dilapidated facilities, non-conforming site design and connectivity issues that perpetuate life safety concerns and vagrancy issues; in addition to implementing the community "Wish List" for improvements that remain similar to the list of concerns that existed twelve years ago. The proposed Master Plan is the product of two years of approvals from the BOCC, assistance from County Staff to plan for funding and grant acquisitions and the relocation of the FAA tower, three design charrettes and numerous neighborhood meetings with concerned stakeholders that resulted in the modification of several design proposals to meet the needs of the neighbors. On January 19, 2011 the BOCC approved the proposed

Master Plan. For more information regarding the BOCC approvals, Community Meetings and design proposals please see the attached Master Plan Report dated January 19, 2011 and the attached BOCC Approvals. Further, please find all intergovernmental coordination and grant funding efforts and letters attached for reference.

Higgs Beach Park is both an archeologically significant place and an important public recreation center. It is currently the most accessible recreational beach and park on the island that provides a place for local families, dog owners, beach goers and active and passive recreation users. Further, Higgs Beach Park is the terminus of the Florida Keys Overseas Heritage Trail and the National Scenic Highway that attracts thousands of visitors annually (see attached Traffic Impact Report). Uses and landmarks adjacent to Higgs Beach Park include single family residential, transient residential (Casa Marina), and recreational uses that include Rest Beach, the AIDS Memorial, White Street Pier, Indigenous Park and the Bocce Courts. Higgs Beach Park includes a number of existing active and passive recreational uses, cultural uses and commercial uses as follows:

#### Active and Passive Recreation facilities

- Children's playground
- Tennis courts (6), half basketball court, beach volleyball (2) and handball courts (2)
- Dog parks (2)
- Recreational walkways
- Whistling Duck Pond wetland area
- Multiuse open space
- Public beach
- Shaded picnic and barbecue areas
- Reynolds Street Pier

#### Cultural Uses

- African memorial gravesite
- Historic West Martello Fort Museum and Key West Garden Club

#### Commercial and Institutional Uses

- Salute restaurant
- Recreational equipment and beach rental
- Enclosed FAA tower and associated cement equipment structure
- Associated parking lots

Existing conditions of the site are shown on the attached survey, site plans, drainage plan and landscape plan.

#### Request:

The request is for the approval of a Major Development Plan (Master Plan) for Higgs Beach Park as proposed by the BOCC and recommended by the Planning Board for approval. The proposed Development Agreement, as approved jointly by the City and



County Attorneys, that will provide the framework for the timeline of development phases of the Master Plan, will be reviewed by the Commission at this same meeting. If approved, the Master Plan in concert with the Development Agreement will be presented to the BOCC for their review and adoption as part of the implementation program for the park.

The Master Plan proposal is a phased project, of which phases will be completed upon the acquisition of funds from various sources including Monroe County Public Works Project Funding, grants donations and other sources. The proposed changes to Higgs Beach Park address long-standing functionality and safety issues. The proposed plan will bring the site into compliance with city stormwater drainage requirements, Floodplain Ordinance and Federal Emergency Management (FEMA) standards, and parking design and traffic safety standards. Urban design improvements include safe pedestrian and bicycle ways, traffic calming roadway design, landscape and shade improvements and improved connectivity between park uses and adjacent land uses such as Indigenous Park and Bocce Courts. Additionally, community needs have been met that include the relocation of the playground, playground improvements and urban design elements that address safety and vagrancy concerns. Further, the design contemplates minimal changes to many of the existing features and uses within the park to reduce impacts and minimize cost. According to the applicant the demolition and relocation of Atlantic Boulevard and associated utility improvements and archaeological resource protections will be the most significant phase of the proposed project due to its impact on the remaining park facilities; such as the dog parks and parking lots.

The proposed relocation of Atlantic Boulevard is a critical design element of the Master Plan. Currently traffic at the intersection of Atlantic Boulevard and White Street conflicts with bicyclists and pedestrians accessing the Overseas Heritage Trail, Higgs Beach Park, the White Street Pier, and the AIDS Memorial. The area is congested and poorly designed creating life safety concerns. The proposed plan shifts the intersection of Atlantic Boulevard and White Street to the north creating a larger pedestrian corridor and safe pedestrian access to these important facilities while creating a buffer for the AIDS memorial. The proposed design of the intersection promotes pedestrian safety through the use of traffic calming features. The relocation of the road also provides a safety and access buffer for the historic Martello Fort that is currently located just five feet from the road.

In response to neighborhood concerns regarding vagrancy issues the plan proposes demolition of the existing covered picnic tables located at the beach, the dog-park and Astro-city (2,548 s.f) in addition to the FAA maintenance building. The existing FAA tower is proposed for off-site relocation and negotiations between the County and the FAA are ongoing. However, the area is proposed as passive recreational open space and the site plan design is not affected by the existing tower if it were to remain. Newly proposed structures consist of a 3,000 square foot LEED certified Visitor Nature Center and two maintenance and equipment storage sheds (total 1,500 s.f), in addition to three recreational equipment rental kiosks and two small shade structures for the tennis and pickleball courts (total 5,857 s.f new).

The proposed plan includes the following changes to the existing plan and facilities listed as existing above:

#### Active and Passive Recreational Uses

- Relocation of playground for safer access to bathrooms and installation of new playground equipment
- Interactive water feature
- Replacement of one tennis court with two pickleball courts. Removal of handball and basketball courts. Relocation of one beach volleyball court
- Addition of recreational path with workout stations
- Shifting of dog park locations
- Rehabilitation of Whistling Duck Pond wetlands and incorporation of a bio-swale for the stormwater drainage plan
- Addition of multiuse open space area associated with removal of FAA tower
- Removal and relocation of shaded picnic and grilling areas

#### Infrastructural Improvements

- Relocation of Atlantic Boulevard and associated utility improvements

#### Connectivity

- Addition of two way bicycle paths along either side of Atlantic Boulevard
- Addition of safe pedestrian corridors crossing Atlantic Boulevard within the Park
- Addition of sidewalks and safe pedestrian corridors within parking lots
- Addition of safe pedestrian corridors from Higgs Beach Park to Indigenous Park and Bocce Courts and supplemental parking areas across White Street
- Multimodal drop-off and pick-up areas to safely accommodate school busses, trolleys, taxis etc.

#### Traffic Patterns and Parking

- Demolition, relocation and reconfiguration of existing lots to meet code and safety standards
- Consolidation of multiple parking lots
- Drop-off area associated with Nature/visitor Center
- Drop off area associated with restaurant and beach
- Traffic calming devices
- Redesign of intersection at White Street and Atlantic Boulevard away from pedestrian areas with safe pedestrian crossing
- Improvements to intersection of Reynolds Street and Atlantic Boulevard to separate pedestrian areas from traffic and create clear line of sight at corner

As part of the original Master Plan submitted for workshop review, community interest groups recommended the construction of separate bathrooms and a small shade structure adjacent to and specifically for the children's playground. This component has been eliminated from the present proposal, due to vagrancy concerns from the neighbors on

Casa Marina Court. This project component is will require the input of the City Commission for resolution.

### **Planning Staff Analysis**

Section 108-91 A(1)b of the City of Key West Land Development Regulations requires that a plan within the historic district proposed for outdoor activity and recreation greater than 2,500 square feet require a Major Development Plan. Section 108-196(a) of the Land Development Regulations states that "after reviewing a Major Development Plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan." On October 20, 2012, the Planning Board recommended for approval the proposed development plan through Resolution 2012-049 with the following conditions:

### **General Conditions:**

1. City Commission approval of the Intergovernmental Agreement
2. Staff approval of a composting facility is required by the City's Planning and Engineering Departments. Operations maintenance of the composting center shall be provided by the County and will remain in its adjacent location as proposed on the site plans.
3. The recycling center shall be screened from view by a fence and vegetation approved by the City's Urban Forester.
4. The applicant is responsible for designing and submitting a Signage Plan that is compatible with Section 108-285 of the Code to the Planning Department for approval before implementation.
5. Construction on the site including the development of Nature Visitors Center is required to be consistent with Chapter 255.2575(2). Florida Statutes which requires compliance with an accepted third party environmental standard (see Attachment for the full language of the relevant section of the statute).
6. 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).
7. Tree Commission approval is required for each phase of the removal/relocation and replacement of the Landscape Plan.
8. The wetland areas of the Whistling Duck Pond and the F.A.A Tower are required to be noted on the Landscape Plan. An upland/wetland jurisdictional line needs to be set for the area and work within the area requires environmental permitting and possible mitigation.
9. Revise design of scooter and bicycle parking areas to separate uses and add additional bollards or bicycle friendly parking areas throughout the park.

### **Options / Advantages / Disadvantages:**

- Option 1.** To approve the proposed Major Development Plan with the attached plans stamped August 30, 2011 with the following conditions:

**General Conditions:**

1. City Commission approval of the Intergovernmental Agreement/Development Agreement.
2. Staff approval of a composting facility is required by the City's Planning and Engineering Departments. Operations maintenance of the composting center shall be provided by the County and will remain in its adjacent location as proposed on the site plans.
3. The recycling center shall be screened from view by a fence and vegetation approved by the City's Urban Forester.
4. The applicant is responsible for designing and submitting a Signage Plan that is compatible with Section 108-285 of the Code to the Planning Department for approval before implementation.
5. Construction on the site including the development of Nature Visitors Center is required to be consistent with Chapter 255.2575(2). Florida Statutes which requires compliance with an accepted third party environmental standard (see Attachment for the full language of the relevant section of the statute).
6. 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).
7. Tree Commission approval is required for each phase of the removal/relocation and replacement of the Landscape Plan.
8. The wetland areas of the Whistling Duck Pond and the F.A.A Tower are required to be noted on the Landscape Plan. An upland/wetland jurisdictional line needs to be set for the area and work within the area requires environmental permitting and possible mitigation.
9. Revise design of scooter and bicycle parking areas to separate uses and add additional bollards or bicycle friendly parking areas throughout the park.

1. **Consistency with the City's Strategic Plan, Vision and Mission:**  
The approval of the development plan is consistent with the City's Strategic Plan, Vision and Mission to promote community enhancement projects, economic development and infrastructure.

2. **Financial Impact:** Improvements to city property and public space increases the value of the adjacent properties and neighborhood as a whole

**Option 2.** To deny the proposed Major Development Plan

1. **Consistency with the City's Strategic Plan, Vision and Mission:**  
Denying the request is inconsistent with the Strategic Plan, Vision and Mission to promote community enhancement projects, economic development and infrastructure.

2. **Financial Impact:** The city will lose the opportunity to raise the property value of the park adjacent properties and neighborhood as a whole.

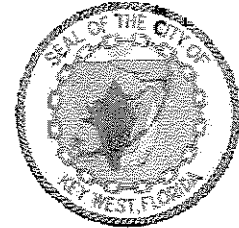
**RECOMMENDATION:**

Staff recommends the approval of **Option 1**, for the proposed Major Development Plan with the attached plans stamped August 30, 2011 with the following conditions:

**General Conditions:**

1. City Commission approval of the Intergovernmental Agreement/Development Agreement.
2. Staff approval of a composting facility is required by the City's Planning and Engineering Departments. Operations maintenance of the composting center shall be provided by the County and will remain in its adjacent location as proposed on the site plans.
3. The recycling center shall be screened from view by a fence and vegetation approved by the City's Urban Forester.
4. The applicant is responsible for designing and submitting a Signage Plan that is compatible with Section 108-285 of the Code to the Planning Department for approval before implementation.
5. Construction on the site including the development of Nature Visitors Center is required to be consistent with Chapter 255.2575(2). Florida Statutes which requires compliance with an accepted third party environmental standard (see Attachment for the full language of the relevant section of the statute).
6. 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).
7. Tree Commission approval is required for each phase of the removal/relocation and replacement of the Landscape Plan.
8. The wetland areas of the Whistling Duck Pond and the F.A.A Tower are required to be noted on the Landscape Plan. An upland/wetland jurisdictional line needs to be set for the area and work within the area requires environmental permitting and possible mitigation.
9. Revise design of scooter and bicycle parking areas to separate uses and add additional bollards or bicycle friendly parking areas throughout the park.

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chairman and Planning Board Members

**From:** Nicole Malo

**Through:** Donald L. Craig, AICP, Planning Director

**Meeting Date:** October 20, 2011

**Agenda Item:** **Major Development Plan – 1000 Atlantic Boulevard, Higgs Beach Park** - An application for a Major Development Plan for the redevelopment of Higgs Beach located in the Public Service and Semipublic Service (PS) zoning district pursuant to Section 108-91(B.)(2).c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

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**Request:** A request to consider the approval of a Master Plan to redevelop Higgs Beach Park, located on County Property within the municipal boundaries of the City of Key West. The Development Plan is supported by a proposed Intergovernmental Agreement that establishes development phases. Once drafted and submitted to the City it will be considered by the City Commission separately from the Development Plan request.

**Applicant:** William P. Horn, Architect, PA and Barbara Mitchell, LEED AP

**Property Owner:** Monroe County  
Federal Government - FAA

**Location:** 1000 Atlantic Boulevard, Higgs Beach Park  
RE Numbers 00058800-000000, 00058790-000100, 00058790-000000

**Zoning:** Public Service and Semipublic Service District (PS)



### **Background:**

The proposed development includes three parcels of which two are owned by Monroe County and the third, as shown above, is part of a current negotiation effort between the County and the Federal Aviation Administration (FAA). Although Higgs Beach Park lands are not owned by the City of Key West, the property falls within the jurisdictional boundaries of the city and is therefore subject to municipal review and regulation.

Since 1999 Higgs Beach Park has been the focus of the Board of County Commissioners (BOCC), neighbors and city interest groups such as the Friends of Higgs Beach for redevelopment. At that time community concerns included: security and vagrancy issues, signage and lighting, safe parking design and traffic, and beach cleanliness. As a result of the combined efforts, in 2001 a Master Plan was approved but never funded, although some improvements were implemented based on the plan. More recently, in 2009 the County Mayor in conjunction with the Friends of Higgs Beach and the Garden Club began a series of actions to make feasible the much needed Beach Park improvements. Later that year as a result of BOCC established Advisory Committee recommendations, Architect William P. Horn was chosen to establish a qualified design team and complete a Master Plan for the park to improve existing facilities and address the numerous dysfunctional park aspects including lack of stormwater management, dilapidated facilities, non-conforming site design and connectivity issues that perpetuate life safety concerns and vagrancy issues; in addition to implementing the community "Wish List" for improvements that remain similar to the list of concerns that existed twelve years ago. The proposed Master Plan is the product of two years of approvals from the BOCC, assistance from County Staff to plan for funding and grant acquisitions and the relocation of the FAA tower, three design charrettes and numerous neighborhood meetings with concerned stakeholders that resulted in the modification of several design proposals to meet the needs of the neighbors. On January 19, 2011 the BOCC approved the proposed Master Plan. For more information regarding the BOCC approvals, Community Meetings and design proposals please see the attached Master Plan Report dated January 19, 2011 and the attached BOCC Approvals. Further, please find all intergovernmental coordination and grant funding efforts and letters attached for reference.

Higgs Beach Park is both an archeologically significant place and an important public recreation center. It is currently the most accessible recreational beach and park on the island that provides a place for local families, dog owners, beach goers and active and passive recreation users. Further, Higgs Beach Park is the terminus of the Florida Keys Overseas Heritage Trail and the National Scenic Highway that attracts thousands of visitors annually (see attached Traffic Impact Report). Uses and landmarks adjacent to Higgs Beach Park include single family residential, transient residential (Casa Marina), and recreational uses that include Rest Beach, the AIDS Memorial, White Street Pier, Indigenous Park and the Bocce Courts. Higgs Beach Park includes a number of existing active and passive recreational uses, cultural uses and commercial uses as follows:

#### **Active and Passive Recreation facilities**

- Children's playground
- Tennis courts (6), half basketball court, beach volleyball (2) and handball courts (2)
- Dog parks (2)



- Recreational walkways
- Whistling Duck Pond wetland area
- Multiuse open space
- Public beach
- Shaded picnic and barbecue areas
- Reynolds Street Pier

#### Cultural Uses

- African memorial gravesite
- Historic West Martello Fort Museum and Key West Garden Club

#### Commercial and Institutional Uses

- Salute restaurant
- Recreational equipment and beach rental
- Enclosed FAA tower and associated cement equipment structure
- Associated parking lots

Existing conditions of the site are shown on the attached survey, site plans, drainage plan and landscape plan.

#### Request:

The request is for the approval of a Major Development Plan (Master Plan) for Higgs Beach Park as proposed by the BOCC. Currently the applicant and the City Attorney, are drafting an Interlocal Agreement that will provide the framework for the timeline of development phases of the Master Plan between the City and County. The final document, as approved jointly by the City and County Attorneys, will be presented to the City Commission for consideration at the same time as the Master Plan. If approved by the City Commission, the document will be presented to the BOCC for their review and adoption as part of the implementation program for the park.

The Master Plan proposal is a phased project, of which phases will be completed upon the acquisition of funds from various sources including Monroe County Public Works Project Funding, grants donations and other sources. The proposed changes to Higgs Beach Park address long-standing functionality and safety issues. The proposed plan will bring the site into compliance with city stormwater drainage requirements, Floodplain Ordinance and Federal Emergency Management (FEMA) standards, and parking design and traffic safety standards. Urban design improvements include safe pedestrian and bicycle ways, traffic calming roadway design, landscape and shade improvements and improved connectivity between park uses and adjacent land uses such as Indigenous Park and Bocce Courts. Additionally, community needs have been met that include the relocation of the playground, playground improvements and urban design elements that address safety and vagrancy concerns. Further, the design contemplates minimal changes to many of the existing features and uses within the park to reduce impacts and minimize cost.

The most immediate change to the site will be the relocation of Astro-City Playground from the North side of Atlantic Boulevard to the beach. This phase has been budgeted by the County and

approved by the City's Planning Department as a remedial change based on a need to achieve a solution to life-safety issue concerning children's access to restroom facilities, that will occur prior to final development plan approval. The removal of an existing covered picnic area will happen at this time. The remainder of the proposed changes to the site are significant and require final site plan approval. According to the applicant the demolition and relocation of Atlantic Boulevard and associated utility improvements and archaeological resource protections will be the most significant phase of the proposed project due to its impact on the remaining park facilities; such as the dog parks and parking lots.

The proposed relocation of Atlantic Boulevard is a critical design element of the Master Plan. Currently, traffic at the intersection of Atlantic Boulevard and White Street conflicts with bicyclists and pedestrians accessing the Overseas Heritage Trail, Higgs Beach Park, the White Street Pier, and the AIDS Memorial. The area is congested and poorly designed creating life safety concerns. The proposed plan shifts the intersection of Atlantic Boulevard and White Street to the north creating a larger pedestrian corridor and safe pedestrian access to these important facilities while creating a buffer for the AIDS memorial. The proposed design of the intersection promotes pedestrian safety through the use of traffic calming features. The relocation of the road also provides a safety and access buffer for the historic Martello Fort that is currently located just five feet from the road.

In response to neighborhood concerns regarding vagrancy issues the plan proposes demolition of the existing covered picnic tables located at the beach, the dog-park and Astro-city (2,548 s.f) in addition to the FAA maintenance building. The existing FAA tower is proposed for off-site relocation and negotiations between the County and the FAA are ongoing. However, the area is proposed as passive recreational open space and the site plan design is not affected by the existing tower if it were to remain. Newly proposed structures consist of a 3,000 square foot LEED certified Visitor Nature Center and two maintenance and equipment storage sheds (total 1,500 s.f), in addition to three recreational equipment rental kiosks and two small shade structures for the tennis and pickleball courts (total 5,857 s.f new).

The proposed plan includes the following changes to the existing plan and facilities listed as existing above:

#### Active and Passive Recreational Uses

- Relocation of playground for safer access to bathrooms and installation of new playground equipment
- Interactive water feature
- Replacement of one tennis court with two pickleball courts. Removal of handball and basketball courts. Relocation of one beach volleyball court
- Addition of recreational path with workout stations
- Shifting of dog park locations
- Rehabilitation of Whistling Duck Pond wetlands and incorporation of a bio-swale for the stormwater drainage plan
- Addition of multiuse open space area associated with removal of FAA tower
- Removal and relocation of shaded picnic and grilling areas

### Infrastructural Improvements

- Relocation of Atlantic Boulevard and associated utility improvements

### Connectivity

- Addition of two way bicycle paths along either side of Atlantic Boulevard
- Addition of safe pedestrian corridors crossing Atlantic Boulevard within the Park
- Addition of sidewalks and safe pedestrian corridors within parking lots
- Addition of safe pedestrian corridors from Higgs Beach Park to Indigenous Park and Bocce Courts and supplemental parking areas across White Street
- Multimodal drop-off and pick-up areas to safely accommodate school busses, trolleys, taxis etc.

### Traffic Patterns and Parking

- Demolition, relocation and reconfiguration of existing lots to meet code and safety standards
- Consolidation of multiple parking lots
- Drop-off area associated with Nature/visitor Center
- Drop off area associated with restaurant and beach
- Traffic calming devices
- Redesign of intersection at White Street and Atlantic Boulevard away from pedestrian areas with safe pedestrian crossing
- Improvements to intersection of Reynolds Street and Atlantic Boulevard to separate pedestrian areas from traffic and create clear line of sight at corner

As part of the original Master Plan submitted for workshop review, community interest groups recommended the construction of separate bathrooms and a small shade structure adjacent to and specifically for the children's playground. This component has been eliminated from the present proposal, due to concerns about vagrancy from such a facility. This project component will require the input of the Planning Board and City Commission for final resolution.

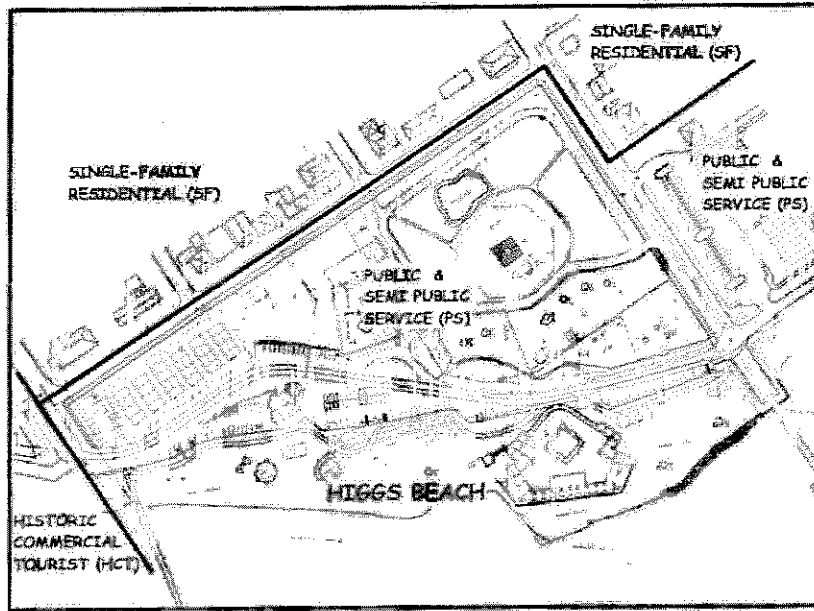
### Surrounding Zoning and Uses:

North: Single Family. Residential Uses

South: Conservation- Outstanding Waters

East: Public Service. Parking lot and Indigenous Park (City owned)

West: Historic Commercial Tourist. Casa Marina Hotel. Transient Residential Uses



**Uses Permitted in the PS Zoning District Per Section 122-1017, Code of Ordinances:**

- (1) Community centers, clubs and lodges
- (2) Educational institutions and day care
- (3) Golf course facilities
- (4) Hospitals and extensive care
- (5) Nursing homes, rest homes and convalescent homes
- (6) Parks and recreation, active and passive
- (7) Places of worship
- (8) Business and professional offices
- (9) Medical services
- (10) Parking lots and facilities
- (11) Veterinary medical services with or without outside kennels
- (12) Government operated transit facilities

**Conditional Uses in the PS Zoning District Per Section 122-1018, Code of Ordinances:**

- (1) Cemeteries
- (2) Cultural and civic activities
- (3) Protective services
- (4) Public and private utilities
- (5) Funeral homes
- (6) Marinas

**Process:**

**Development Review Committee Meeting:**

July 28, 2011

August 26, 2010

**HARC Meeting:**

N/A

**Tree Commission Meeting:**

October 19, 2011

**Planning Board Meeting:**  
**City Commission Meeting:**

October 20, 2011  
 To be determined

**Analysis – Evaluation for Compliance With The Land Development Regulations:**

Section 108-91 A(2)b of the City of Key West Land Development Regulations requires that any proposed plan outside of the historic district including the addition of outdoor commercial activity consisting of active recreation or similar activities shall require a Major Development Plan. Section 108-196(a) of the Land Development Regulations states that “after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.”

Planning staff, as required by Chapter 108 of the City Code of Ordinances, has reviewed the following for compliance with the City’s Land Development Regulations and Comprehensive Plan:

Project Data				
	Required/ Allowed	Existing	Proposed	Variance Request
<b>Zoning</b>	PS	No Changes		
<b>Flood Zone</b>	VE- 10 VE-12 AE-8 AE-9 AE-10			
<b>Size of Site</b>	762,891s.f 17.5 acres			
<b>Front Setback</b> (White Street)	20'	25'4" Wood Yoga Deck	No Change Proposed	None Required
<b>Street Side Setback</b> (Casa Marina Court)	15'	123'9" Covered Table	24' Equipment Storage	
<b>Rear Setback</b> (Reynolds Street)	20'	237'8" Covered Bandstand	55'4" Tennis Pavilion	
<b>Coastal Construction Control Line</b>	50'	11'5"	No Change Proposed	
<b>F.A.R</b>	Recreation and open space, shall have a maximum floor area ratio of 0.2. (152,578 s.f)	0.02 (19,578 s.f)	0.02 (22,605 s.f)	
<b>Building Coverage</b>	40% (305,156s.f)	4% (29,945 s.f)	4.3% (32,972 s.f)	
<b>Impervious Surface</b>	50% (381,446 s.f)	30% (230,499 s.f)	33.6% (256,333 s.f)	
<b>Vehicular Parking</b>	124	145	145	

<b>Bicycle and Scooter Parking</b>	21 bicycle spaces. Scooter parking currently undefined.	60 Nonconforming spaces	45 Plus additional opportunities in final design stages	None Required
<b>Open Space/Landscaping</b>	Active recreation areas may be counted as open space, even if they are impervious. 20% (152,578 s.f)	75% (570,362s.f)	71% (544,528 s.f)	
<b>Height</b>	25'	N/A- Martello Fort	25'	

**Concurrency Facilities and Other Utilities or Services (Section 108-233):**

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. Section 94-36 requires a concurrency determination to be made concerning proposed development. The applicant has provided information regarding Concurrency Management and staff has reviewed the information and determined that the proposed project meets the City's requirements for concurrency management. Please see the attached Concurrency Management Report provided by the applicant for further information.

**Fire Protection (Section 108-233 (8)):**

The applicant has coordinated with Fire Marshalls Office. Currently potable water and fire service distribution systems have two available points of service: 6" water supply on Reynolds Street and an 8" water main on White Street. The Fire Marshall reviewed the proposed development plans and had no stated concerns at the DRC meeting on July 28, 2011; however, final construction plans are required for review at that time.

**Other Public Facilities (Section 108-233 (10)):**

Based on the information in the concurrency analysis, the proposed major development plan is not anticipated to increase adverse effects upon public facilities. The implementation of the plan is proposed over a 15 year period and further coordination is required at the time the road is relocated according to the letters provided by FKAA, Keys Electric and the City's Utility Department at the DRC Meeting. Additional comments received at the first DRC meeting have been addressed through site design modifications early in the design process (see attached).

**Appearance, Design and Compatibility (Section 108-234):**

**1. Compliance with Chapter 102 – Historic Resources; Chapter 108 Articles III, IV and V - Open Space, Screening and Buffers, Site Plans, and Traffic Impacts:**

The proposed project is not within the boundaries of the Historic District; however, the Planning Department coordinated with the City's Historic Preservation Planner and determined that the proposed project is in compliance with relevant sections of Chapter 102 including development activities occurring within historic or archaeological sites of significance (see below and attached). No rehabilitation or reconstruction is proposed to

existing historic structures on the site. However, the applicant is aware of the local regulations for historic or archaeological sites of significance.

The proposed site plan meets requirements for Chapter 108 Article III, Site Plan. Articles IV for Traffic Impacts and Article V for Open Space. Screening and Buffers are addressed below in this report.

**2. Compliance with Section 108-956 - Potable water and Wastewater:**

The applicant has demonstrated that there is access to potable water and to wastewater disposal systems in the concurrency management report.

**3. Compliance with Chapter 110; Article II – Archeological Resources:**

Higgs Beach is known as a significant archaeological site. Significant historical features include the West Martello Fort, the playground site, Astro-City (former missile storage site), the covered bandstands (former canon platforms), and the African gravesites. On November 11-14, 2010 an archeological survey was conducted using ground-penetrating radar that identified numerous additional gravesites of African refugees buried sometime in the 1860's. These additional finds are thought to be related to the existing African Memorial gravesite adjacent to the West Martello Fort and one of the only known cemeteries of African slave refugees in the US. The discovery of these additional resources have altered the site design and limited the use of the land area above the gravesites as open space to accommodate an undisturbed area. The relocation of the road will serve to protect the historic West Martello Fort from potential vehicular damage and allow the protection of additional grave sites.

It is likely that additional gravesites exist beneath portions of Atlantic Boulevard that will be incorporated into the proposed memorial when the existing roadway is removed. At that time additional surveying will have to occur and the applicant will be required to comply in accordance with the Land Development Regulations of Chapter 110, Article II, the State Historic Preservation Office and Federal guidelines.

**Site Location and Character of Use (Section 108-235):**

The proposed development is in compliance with standards set forth in Section 108-235 of the Code as described below.

The area plan shown on page six of this report and on sheet A-3 of the proposed Master Plan identifies the project in the context of other structures and uses within the immediate vicinity of Higgs Beach. Surrounding uses include the City's Rest Beach, Indigenous Parka and the Bocce Courts and parking lot, the Overseas Heritage Trail, the Casa Marina Hotel to the rear of the park and permanent residential neighborhood to the North side of the park.

The park is comprised of varying types of open, heavily used recreation areas. Because the plan proposes activities in different portions of the park, the proposed plan appears to be compatible with adjacent land uses. For example, the adjacent residential users on Casa Marina Court prefer passive recreational activities adjacent to the neighborhood to

minimize noise; a trail and exercise stations are proposed. The improvements to the White Street Beach Park entrance connectivity between the adjacent Rest Beach in order to spread the demand for beach use and enhance access to Indigenous Park, the Bocce Courts and the associated parking lot; allowing for overflow parking and easy access between the areas.

The design enhances physical access to the waterfront and other recreational activities. The redesign of the intersection at White Street and Atlantic Boulevard will reduce vehicular speed and will provide a greater physical distance between the pedestrian and bicycle pathways and the roadway, particularly at the convergence of the pedestrian ingress/egress to White Street Pier, the AIDS Memorial, The Overseas Heritage Trail and Higgs Beach. Additional bicycle lanes are proposed along the roadway.

**1. Appearance of site and structures (Section 108-236):**

The development plan design is sensitive to the existing infrastructure, archeological resources and natural landscape within the site and provides compatible connectivity with adjacent neighborhoods, streets, parks, parking areas and pedestrian and bicycle pathways.

The shape of the historically contributing West Martello Fort is reflected and emphasized in the proposed intersection design at Atlantic Boulevard and White Street. Proposed building materials are compatible with traditional materials utilized in the historic district such as siding (fibrous cement which looks similar to wood is proposed) and painted stucco and metal roofs. The design incorporates an inverted Gable roof to accommodate rain water collection. The site improvements include new open space areas and increased shade and landscape areas.

Three new structures are proposed including a welcome center and two small maintenance sheds. The structures are proposed to be LEED certified with green building standards, including rainwater harvesting, grey water reuse, green landscape walls and solar powering. The proposed buildings meet the height regulations and will not impede the existing visual access to the waterfront. The structures have harmonious massing and scale characteristics that do not impinge on the surrounding natural landscape. Further, the buildings have been reduced in response to neighborhood concerns.

The proposed design is in compliance with the performance standards stipulated in Sections 108-236 of the City Code.

**2. Appearance of site and structures (Section 108-278):**

The site appears to be in overall compliance with Chapter 108-278 of the City Code as specified above.

**3. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):**



Mechanical equipment proposed as part of the Nature and Visitors Center shall be adequately screened from view by landscaping as required by the Land Development Regulations. No additional utilities are proposed as part of the plan.

Waste and recycling storage areas will be located throughout the park for collection and transported to a proposed recycling center adjacent to Salute Restaurant. The area will be screened from view by a 6' fence and meets the requirements set forth in the above Section. The applicant has coordinated with the current owners of the restaurant who have proposed to utilize the waste handling area to also allow for the composting of organic materials. Further information is required regarding the proposed containment and process of the composting site in order to avoid adverse impacts that may arise and affect the park such as noxious odors and the attraction of unwanted vermin. As a condition of this approval any composting activities and facilities will have to be approved by the City's Planning Department and other relevant City departments.

**4. Utility lines (Section 108-282):**

Existing power lines currently service the existing Martello Fort and Salute Restaurant. Further coordination is required at the time the road is relocated. Keys Energy has provided a letter regarding this proposal (see attached).

**5. Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):**

Commercial activities will take place within the enclosed building except where recreational rentals may occur on the beach. No permanent outdoor storage or display of merchandise has been applied for or approved.

**6. Exterior Lighting (Section 108-284):**

The applicant has provided a lighting site plan that also includes proposed lighting design for sidewalk, street and parking lighting. According to the applicant energy efficient lighting utilizing solar power where effective are proposed and lighting will also be designed to "Dark Sky" lighting standards as a condition of approval. Please see the attached lighting plan on page E-1 of the site plans.

**7. Signs (Section 108-285):**

No signage plan has been submitted. As a condition of approval the applicant is responsible for designing and submitting a signage plan to the Planning Department for approval that is compatible with Section 108-285 of the Code.

**8. Pedestrian sidewalks (Section 108-286):**

The proposed site design includes extensive new sidewalks that connect parking areas and recreation uses within the park to adjacent land uses. Connectivity design and pedestrian safety has been previously addressed in this report.

**9. Loading docks (Section 108-287):**

No loading docks are proposed as part of the Major Development Plan.

**10. Storage Areas (Section 108-288):**

No outdoor storage is proposed; however, the waste handling area proposed has been previously addressed above.

**On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):**

The applicant has provided a Traffic Impact Report signed and sealed by a Transportation Engineer. The report concludes that traffic impacts are negligible as a result of the proposed improvements; however, traffic flow safety is greatly improved (see attached).

Currently the park offers 145 parking spaces throughout five on-site parking lots. The various lots are non-conforming to current standards for existing circulation and dimensional requirements, and drainage, and do not provide safe or organized pedestrian access from the vehicles to the destination. The entire site lacks adequate pedestrian circulation, and the existing design features create life-safety concerns; for example, the current location of the playground forces families to cross Atlantic Boulevard without crosswalks to reach the restroom facilities, beach and restaurant while having to traverse a parking lot to make the journey.

The proposed design addresses the need to separate vehicular uses from pedestrian circulation and reduces the potential safety concerns where the two conflict by adding vehicular speed calming devices, landscape buffering, crosswalks, connecting pedestrian ways and parking areas with sidewalks. The proposed design reduces the number of parking lots, without reducing the number of spaces and meets dimensional and circulation requirements of the Code. Further, the relocation of the passive recreational family-oriented activities such as the playground to the beach, and the addition of bathrooms for the active recreation uses should reduce the frequency of pedestrians traversing the street. The relocation of Atlantic Boulevard will also reduce the potential for pedestrian/vehicle conflict. Additionally, the site design designates visitor drop-off and pick up areas to accommodate school and city busses, trolleys, trains and taxis where parked vehicles and large groups of people can wait safely without impeding traffic flow.

Two five foot unidirectional bicycle paths are proposed along either side of Atlantic Boulevard as shown on the site plans. Additional bicycle parking stations are proposed to be located throughout the park, increasing the total amount of bicycle parking available.

The City Code of Ordinances does not provide a parking standard for parks and recreation areas; therefore the parking analysis is based on the independent use requirements within the park. However, many of the proposed park uses are not contemplated in the city's parking ordinance; therefore, the parking standards for the unidentified uses are based on criteria established by the Jot D. Carpenter, *Handbook of Landscape Architectural Construction* (1976) And Joseph De Chiara & Lee. E. Koppelman *Time-Saver Standards for Site Planning* (1984) as allowed by Code Section 108-575(3). These alternative standards are required to be approved by the City Commission. The proposed park uses as they relate to the parking standards are as follows:

Parking Table by Use				
Use	Size (sf)	Standard	Required Parking	Bicycle Parking
<b>Restaurant</b>	2,250 sf Consumption Area	1 per 45 s.f of Consumption Area	50 spaces	25% 13 spaces
<b>West Martello Fort</b>	2,190 sf Assembly Area	1 per 150 s.f of Assembly Area	15 spaces	10% 2 spaces
<b>Visitor Nature</b>	1,500 sf Assembly Area	1 per 150 s.f of Assembly Area	10 spaces	10% 1
<b>Bandstands</b>	2,616 sf Assembly Area	1 per 150 s.f of Assembly Area	17 spaces	10% 2 spaces
<b>Tennis/Pickle Ball Courts</b>	7 Courts	*Industry Standard	14 spaces	10% 2 spaces
<b>Volleyball Court</b>	3 Courts	*Industry Standard	18 spaces	10% 2 spaces
		<b>Total</b>	<b>124</b>	<b>22</b>

\* Parking requirement for uses not specified in Section 108-572 shall be based on criteria by the American Planning Association or similarly recognized standards and approved by the City Commission as required by Code Section 108-575 (3). For this application, the Industry Standard was based on parking standards as found in Jot D. Carpenter, *Handbook of Landscape Architectural Construction* (1976) And Joseph De Chiara & Lee. E. Koppelman *Time-Saver Standards for Site Planning* (1984).

Based on the requirements for parking standards the proposed number of parking spaces (145) is in compliance with the Key West Code and the Industry Standard for uses not named in the LDR's. Further, it is important to note that park guests typically utilize more than one service per visit and therefore the potential for shared parking demand is common. Also notable is that this particular site is located at the beginning (or end) of the local waterfront recreational path, the Overseas Heritage Trail and within the heart of Old Town Key West where many park visitors arrive using alternative modes of transportation such as walking, riding bicycles, scooters or the trolley. According to information provided by the applicant and gathered by the FDEP, the bicycle and pedestrian crossings measured by the Overseas Heritage Trail Rest Beach counter 179, 213 crossings took place between January – July 2011 alone. It is therefore reasonable to conclude that many Beach Park users will arrive via alternative transportation. Of the 145 spaces proposed, 123 are standard parking spaces, 16 are compact, and 6 are handicap accessible.

A minimum of 22 bicycle spaces are required; however the design proposes bicycle parking bollards throughout the park. The plans contemplated using mixed bicycle and scooter parking spaces that may cause conflicting use of the spaces provided particularly for the bicyclists that need access to a bicycle rack/bollard to lock the bike to. The department encourages the separation of the parking areas for the distinct modes of transportation and recommends additional bollards or bicycle friendly parking areas throughout the park. A minimum of 45 bicycle/scooter parking spaces are proposed.

As Part of the code requirements for parking uses not specified, the City Commission will review the proposed parking standards for Jot D. Carpenter, *Handbook of Landscape Architectural*

*Construction* (1976) And Joseph De Chiara & Lee. E. Koppelman *Time-Saver Standards for Site Planning* (1984) for the tennis/pickleball and volleyball courts related parking.

**Housing (Section 108-245):**

No housing is proposed as part of the Major Development Plan.

**Economic resources (Section 108-246):**

This provision of the City Code is not applicable to the proposed Major Development Plan.

**Special Conditions (Section 108-247):**

- a. The proposed development is either consistent with the PS district or consists of established legally non-conforming uses such as the restaurant use. Therefore it does not conflict with the intent of the land development regulations, and is not anticipated to cause any conflict in relation to existing public facilities that are in place.
- b. Portions of the project area are located within the Coastal Construction Control Line; however, no new construction is proposed within this area. The Coastal Construction Control Line is established from the mean high water line to 50' on shore within the area. Although the proposed playground equipment area is within the setback area it is not considered a permanent structure that is subject to the provision (see attached).
- c. N/A
- d. Public access to the shoreline is enhanced by this project.
- e. A drop-off/pick-up area has been designed in front of the Nature Visitors Center to accommodate buses.
- f. The applicant has proposed LEED certification for the Nature Visitors Center and maintenance sheds. Green features include rainwater harvesting, grey water reuse, green landscape walls and solar powering. Additional green design standards throughout the site include stormwater management design that incorporates natural watershed areas such as the Whistling Duck Pond and grass runoff areas, solar and Dark Sky lighting, and landscape design that minimizes water usage and maximizes canopy trees for surface heat reduction. A composting and recycling center is also proposed by the owners of the existing restaurant for commercial and community usage.
- g. The Nature and Visitor Center is proposed to be elevated four feet above grade (9.5' from base flood elevation) to meet FEMA requirements. The area between the bottom floor of the structure and grade is proposed to be left open.
- h. Recreation facilities provided on the site have been previously addressed in this report
- i. As previously discussed, the applicant is in the process of negotiations with the FAA for the removal of a communications tower and use of such lands. Further the applicant has coordinated with numerous local and state agencies regarding use, permitting and

potential funding assistance including the DCA, the TDC, state, city and county bicycle design planners, Overseas Heritage Trail and Scenic Highway Group, the BOCC, the DEP, FDOT, Fish and Wildlife Services, South Florida Water Management District, ACOE, City Planning and City FEMA Coordinator regarding the site and drainage plans.

- j. Environmental permitting will be obtained at the time construction documents are prepared.

The proposed project meets the applicable standards outlined in Section 108-247 of the City Code.

**Construction Management Plan and Inspection Schedule (Section 108-248):**

The proposed development contains two or more phases. The applicant is proposing an Intergovernmental Agreement to establish the timeframes for development which is subject to grant acquisitions by the County and citizens groups; therefore, a Construction Management Plan and Inspection Schedule are not required separately as part of this application. The completion of the project is anticipated within 10-12 years. To date, the applicant has secured funding for the relocation and replacement of Astro-City (the playground) to the beach and is proposed to be completed sometime in 2012. The Planning Department has issued an approval of the relocation of the modified playground site prior to the development plan approval (see attached).

**Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:**

As part of the design team a Landscape Architect has prepared the proposed Landscape Plan based on input from the public workshops, committee meetings, city/county staff and best urban design principals. The Landscape Plan incorporates native materials, clustering of plant material for water conservation, salt tolerant grasses, and canopy trees for surface heat reduction. The plan is intended to retain as much existing tree canopy on site as possible and to supplement it with additional plantings as required by code and driven by desired aesthetics. Screening and buffering is proposed that meets Crime Prevention Through Environmental Design (CEPTED) design standards that help minimize dangerous hiding spaces, isolated areas and promote pedestrian safety.

Additional guiding principals for the Landscape Plan are as follows:

- Meet Mitigation Requirements
- Provide foundation planting at the Nature Center to complement its architectural aesthetic.
- Provide native materials, particularly along the fitness course and walking trails to promote educational awareness of indigenous plants/trees to the Keys and their importance to Keys wildlife.
- Provide Streetscape trees along Atlantic Boulevard that create a sense of arrival within the park and highlight circulation routes. Overtime the trees along the road will also provide shade.
- Bufferyards are designed to maximize views through the park, both for police surveillance and for the residences along Casa Marina Court.
- Maintain promote recreational use of existing open space by minimizing landscaping within these areas.

- The Dog Park area landscaping will be designed to provide both shade / sun opportunities for users and pets alike. Furniture will also be located within this area.
- Any improvements to the Whistling Duck Pond wetland area will require additional coordination for environmental permitting.
- The intersection at White Street and Atlantic Boulevard will be redesigned and enhanced to serve as a threshold to the park, and to create the Aids Memorial as a focal point when approaching from White Street.
- Various areas of the park will be designed of mixed use of sun/shade, such as the Playground, pickleball courts and tennis spectator areas.
- Landscaping specifically designed to be easily maintained with maximum water conservation in mind. Xeric-scape principles will apply.

Although the proposed site plan slightly reduces open space, site improvements are proposed that mitigate the loss including stormwater management. The proposed site plan significantly exceeds the 20% open space requirement with 71% open space proposed.

On August 28, 2011, the applicant requested a waiver from the City Planner to requirements of the Major Development Plan process pursuant to Code Section 108-226 as follows:

- Section 108-413(b)) for Minimum Standards for Landscaping Along the Right-of Way requires a landscaping area of 40 feet in width along the right-of-way for sites over 3 acres.
- Section 108-415(a) for Perimeter Landscape Requirements for Parking Lots requires a perimeter landscaping width of 10 feet for sites over 50,000 square feet
- Section 108-481(a) for Specifications for Plant Material, Trees, requires that palm trees shall not constitute any more that 25% of total number of trees on the site.

On October 12, 2011 the Planning Director issued a waiver for the above requests attached to this report.

The City's Tree Commission is scheduled to review the proposed conceptual Landscape Plan on October 19, 2011. Specific permits for tree removal and relocation or replacement are not part of the request at this time due to the time period between development approval and actual construction. The applicant will continue to seek phased permits from the Tree Commission for tree removal/relocation/replacement closer to the time of implementation. Removal of the invasive Pine Trees currently located on the beach may be requested in the future pursuant to the Code Section 110-254 for Unprotected Trees and EPA regulation.

Attached to this report is a memo from the City's Urban Forester that states that the area of the Whistling Duck Pond and the F.A.A Tower are wetlands not noted on the Landscape Plan. According to the Urban Forester, an upland/wetland jurisdictional line needs to be set for the area. Work within the area requires environmental permitting and possible mitigation.

#### **Off-street Parking and Loading (Article VII) of Chapter 108:**

Parking has been previously addressed in this report.

**Stormwater and Surface Water Management (Article VIII):**

Redesign of the roadway will provide the opportunity to properly engineer the road to capture runoff before it gets to the beach and ocean. The proposed Conceptual Drainage Plan captures and redirects stormwater for the entire site. The proposed plan utilizes some bio-swale treatment concepts as well as traditional drainage improvements. According to the Civil Engineer, the 12.8 acre project site will be serviced by an interconnected stormwater management system to provide pretreatment for the 25yr / 72hr storm event. This system will be comprised of approximately 24,030 cubic feet of dry retention swales, approximately 1,250 linear feet of HDPE stormwater pipe, and a variety of stormwater catch basins. Throughout impervious areas of the design (i.e. Atlantic Blvd. roadway, parking lots, etc.) stormwater will be captured via curb and ditch bottom inlets and discharged into dry retention areas for pretreatment. In the large areas of pervious surfaces, stormwater will be directed to the dry retention basins via overland flow and site grading. The Higgs Beach stormwater management system has been designed in accordance with City of Key West Code of Ordinances and South Florida Water Management District Regulations. The General Services and Engineering Department has no concerns regarding the proposed Conceptual Drainage Plan (see attached DRC Minutes).

**Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):**

The proposed development is located in six different flood zones including VE-10, VE-12, AE-8, AE-9, and AE-10. Therefore the proposed development is required to meet local, state and federal flood prevention requirements at the building permit stage. No new construction is proposed in the VE zones. The proposed Nature visitors Center and maintenance sheds meet FEMA elevation requirements. The City's FEMA Coordinator has provided an amended letter based on site plan review and modifications to that plan that outlines potential impact areas (see attached).

The proposed relocation site of the playground is within the VE zone and the equipment will have to be anchored to withstand high velocity wind storm events. A letter provided by City Staff describes that more information may be required when the equipment construction documents are available, most likely the playground is exempt from FEMA regulations.

Portions of the existing development lie within the Coastal Construction Control Line (CCCL), which requires that no building shall be constructed within 50 feet of the mean high water line in accordance with Code Section 122-1148(a)2. No new construction is proposed within the CCCL and No changes are proposed to the existing non-conforming structures within the CCCL area.

**Utilities (Article IX):**

According to information submitted to the Department, FCAA and Keys Energy Services are able to provide utilities to the site; however, further coordination is required at the time that the road is relocated. The proposed development project will use existing utility mains for potable and sewer water and existing underground electrical lines. The applicant will also need to coordinate with the utilities department and a Utility Connection Plan is required at the time of development. Landscaping will consist of native species as shown on the proposed landscape plan.

**RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for Major Development Plan be **approved** with the following conditions:

**General Conditions:**

1. City Commission approval of the Intergovernmental Agreement
2. Staff approval of a composting facility is required by the City's Planning and Engineering Departments. Operations maintenance of the composting center shall be provided by the lease holders of the restaurant on site by contract and will remain in its adjacent location as proposed on the site plans.
3. The recycling center shall be screened from view by a fence and vegetation approved by the City's Urban Forester.
4. The applicant is responsible for designing and submitting a Signage Plan that is compatible with Section 108-285 of the Code to the Planning Department for approval before implementation.
5. Construction on the site including the development of Nature Visitors Center is required to be consistent with Chapter 255.2575(2), Florida Statutes which requires compliance with an accepted third party environmental standard (see Attachment for the full language of the relevant section of the statute).
6. 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).
7. Tree Commission approval is required for each phase of the removal/relocation and replacement of the Landscape Plan.
8. The wetland areas of the Whistling Duck Pond and the F.A.A Tower are required to be noted on the Landscape Plan. An upland/wetland jurisdictional line needs to be set for the area and work within the area requires environmental permitting and possible mitigation.
9. Revise design of scooter and bicycle parking areas to separate uses and add additional bollards or bicycle friendly parking areas throughout the park.



# Exhibit C

Community Affairs related to the Florida Keys Area of Critical State Concern, by the administrator on January 10, 2011 or approval to revise and transmit revised comments under Mayor signature. Rules are expected to be adopted by the Governor and Cabinet May 17, 2011 and become effective July 1, 2011. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Rice granting approval of the letter. Motion carried unanimously.

### **COUNTY ATTORNEY**

Item Q2 Lisa Grainger, Assistant County Attorney addressed the Board concerning the request by property owner, Shawn Renz, to reduce a one time fine of \$3,900 ordered by the Code Compliance Special Magistrate in Code Case #CE10040092 for irreparable & irreversible first time violations of the County's vacation rental ordinances to \$975 (25% of one time fine). Attorney Lee Rohe, representing Shawn Renz; and Mr. Renz addressed the Board. Danny L. Kolhage, Clerk, addressed the Board. After discussion, motion was made by Commissioner Rice and seconded by Commissioner Murphy to deny the request and that if it's not paid within 90 days that the lien foreclosure will begin. Motion carried unanimously.

### **PROJECT MANAGEMENT/MISCELLANEOUS BULK APPROVALS**

Item I1 Jerry Barnett, Director Project Management addressed the Board. William Horn, William P. Horn Architect, P.A. made a presentation of record for the Master Plan Redevelopment of Higgs Beach Park. The following individuals addressed the Board: Sloan Bashinsky, Teri Johnson, representing City of Key West; Roger McVeigh, representing the Friends of Higgs Beach, Inc.; Elsa Colligan, Suzanne Sullivan, representing Key West Garden Club; Sam Kaufman, Ben Harrison, Tom Coward, Bethany Smith-Martin, Christine Russell, Gene S. Tinnie, Richard Klitenick, Richard Hatch, Donna Bosold, representing SKW; and Michael Behmke, representing Friends of Higgs Beach. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Wigington to accept the Phase I Plan and to move forward on Phase II, preserve the Australian Pines, with the caveat that no monies spent will be county ad valorem or infrastructure sales tax. Motion carried unanimously.

Item C13 Motion was made by Commissioner Murphy and seconded by Commissioner Rice granting approval for staff to apply for DAC1/TDC capital project funding for Phase I Playground Equipment on the beachside of Higgs Beach and approval to advertise the project contingent upon DAC1/TDC approval. Motion carried unanimously.

### **CLOSED SESSION**

Item H1 Suzanne Hutton, County Attorney announced a closed attorney-client session pursuant to Section 286.011(8), Florida Statutes in the matter of *Monroe County and Roman Gastesi, Jr. v. Stand Up For Animals, Inc., Case No. CA K 10-1050*. The persons attending the meeting will be; the County Commissioners, County Administrator Roman Gastesi, County Attorney Suzanne Hutton, Chief Assistant County Attorney Bob Shillinger, Jr., Assistant County Attorney Christine Limbert-Barrows and a certified court reporter.

**Mayor Heather Carruthers**  
**RESOLUTION NO. 132 -2011**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF MONROE COUNTY, FLORIDA,  
SUPPORTING COHESIVE PLANNING WITH CITY OF  
KEY WEST FOR REDEVELOPMENT OF INDIGENOUS  
PARK AND HIGGS BEACH.**

**WHEREAS**, the County Commission for Monroe County recognizes that the City of Key West may from time to time desire to redevelop all or parts of Indigenous Park; and

**WHEREAS**, Indigenous Park is on the east side of White Street and a portion of Higgs Beach Park, owned and operated by the County, is on the adjacent south side of White Street; and

**WHEREAS**, it is recognized that both parks would probably be best served if redevelopment on either park is designed to complement the other park to benefit the local residents and tourists who utilize either or both parks; and

**WHEREAS**, the County currently has contracted with an architect for design of a master plan for redevelopment of Higgs Beach Park consistent with the expressed desires of residents to improve safety, enhance recreational use and beautify Higgs Beach Park for City and County taxpayers, residents and tourists; and

**WHEREAS**, under the continuing contract with William P. Horn, Architect, the County could revise the Higgs Beach project contract to allow design efforts for Indigenous Park up to a maximum of \$67,999 if an interlocal agreement is entered whereby the City provides commensurate consideration for the design services of the architect; and

**WHEREAS**, it is possible that in the course of seeking grants for redevelopment of Higgs Beach Park, the County could partner with the City in seeking grants that would also fund redevelopment of Indigenous Park; and

**WHEREAS**, the County recognizes that any reconfiguration of the road intersecting Higgs Beach Park should be coordinated with the City to ensure that no municipal problems are created; and

**WHEREAS**, the County wishes to extend to the City of Key West the opportunity to work together to benefit the residents and tourists who visit both the city and county parks adjacent to White Street;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY AS FOLLOWS:**

1. That the City of Key West is invited to participate in any of the public meetings concerning redevelopment of Higgs Beach and to seek that such meetings enhance the complimentary redevelopment of both parks.

2. The County would like to open discussions with the City of Key West regarding the possibility of an interlocal agreement whereby:

a) the County may agree to revise the architect's Higgs Beach project contract to increase the dollar amount to cover up to \$67,999 in additional design services for Indigenous Park, provided the City agrees to provide reimbursement of the amounts spent on design specific to Indigenous Park; and

b) the City and County may agree to explore operational issues regarding the parks; and

c) the City and County may agree to partner in applying for grants for redevelopment of Higgs Beach Park and Indigenous Park; and

d) the City and County may agree to terms regarding any reconfiguration of the road intersecting Higgs Beach; and

e) the interlocal agreement may include any other considerations upon which the parties may agree.

3. The Clerk is directed to send a copy of this resolution to the City Clerk.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said board held on April 20, 2011.

Mayor Carruthers	<u>Yes</u>
Mayor Pro Tem Rice	<u>Yes</u>
Commissioner Murphy	<u>Yes</u>
Commissioner Neugent	<u>Yes</u>
Commissioner Wigington	<u>Yes</u>



ATTEST:

DANNY L. KOLHAGE, CLERK

By: Danny L. Kolhage  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF  
MONROECOUNTY, FLORIDA

By: \_\_\_\_\_

[Signature]  
MAYOR

[Signature]  
4/21/11

FILED FOR RECORD

2011 APR 25 PM 2:56

CLERK OF BOARD OF COUNTY COMMISSIONERS

# **Exhibit D**

12. Heavy Equipment (R)	7% Infrast. Surtax		\$670		\$120	\$550			
13. Community Center Renovation	7% Infrast. Surtax		\$310	\$110	\$100	\$100			
14. Navy City Gatehouse	7% Infrast. Surtax	Carryover of \$300	\$300	\$300					
15. Truman Master Plan	7% Infrast. Surtax		\$2,500	\$500	\$500	\$500	\$500	\$500	
16. Fort Street Parking Lot	7% Infrast. Surtax		\$400	\$400					
17. Truman Waterfront Roadway	7% Infrast. Surtax	Carryover of \$514							
18. Tennis Pro Shop Renovation	7% Infrast. Surtax		\$30	\$30					
19. Hockey Rink Resurfacing	7% Infrast. Surtax		\$200	\$180					
		Hockey League	<\$20>	<\$20>					
20. Indigenous Park Master Plan	7% Infrast. Surtax		\$130	\$60	\$70				
21. Resod. Recreation Fields	7% Infrast. Surtax		\$504.1	\$504.1					
22. Heavy Equipment (R)	7% Infrast. Surtax		\$285	\$35	\$110	\$140			
23. New City Hall	7% Infrast. Surtax	Carryover of \$17,456.3							
TOTAL GRANT/CONTRIBUTION SHARE		Hockey League		\$20					
TOTAL IMPROVEMENTS FROM INFRASTRUCTURE SURTAX			\$8,550.9	\$3,089.1	\$2,276.8	\$1,875	\$735	\$575	
B. Internal Improvements									
1. Repaving Program	INTIMP		\$2,750	\$550	\$550	\$550	\$550	\$550	
2. Duval Pedestrian Signals	INTIMP		\$82.3	\$82.3					
3. SRTS – Poinciana Elementary	INTIMP		\$372.1	\$372.1					
		FDOT	<\$372.1>	<\$372.1>					
TOTAL CITY SHARE			\$2,832.3	\$632.3	\$550	\$550	\$550	\$550	
TOTAL GRANT SHARE		FDOT	\$372.1	\$372.1					
TOTAL IMPROVEMENTS FROM INTERNAL IMPROVEMENT FUND			\$3,206.4	\$1,004.4	\$550	\$550	\$550	\$550	
C. Bight Funds									
C (A). Key West Bight Fund									
1. Trumbo Docks	KWB		\$290	\$290					

# **Exhibit E**

## APPLICATION 7. RECREATION AND OPEN SPACE ELEMENT AMENDMENTS

Amend the Recreation and Open Space Element as follows. Additions are denoted by underline; deletions by ~~strikethrough~~.

### CHAPTER 7: RECREATION AND OPEN SPACE ELEMENT

~~(Reference §9J-5.014(3), F.A.C.)~~

**§7-1: RECREATION AND OPEN SPACE GOALS, OBJECTIVES AND IMPLEMENTING POLICIES.** This section stipulates goals, objectives, and implementing policies for the Recreation and Open Space Element pursuant to ~~¶163.3177 (6) (e), Florida Statute., and §9J-5.014(3), F.A.C.~~

**Reason for Amendment:** To reflect changes in Florida Statutes.

**GOAL 7-1: PROVIDE ADEQUATE RECREATION AND OPEN SPACE.** Provide a comprehensive system of public/semi-public recreation and open space sites which incorporate urban design concepts and landscape best practices to meet the needs of existing and projected user groups.

**Reason for Amendment:** Consistency with the 2011 Strategic Plan.

**OBJECTIVE 7-1.1: SYSTEM OF PARKS AND RECREATION.** The City shall on an annual basis and prior to adoption of the annual capital budget, review the need, for new recreation sites and facilities and the need for improvements, repairs, and general preventive maintenance. The analysis shall be predicated on data, standards, and policies contained in the Comprehensive Plan. The analysis shall be directed toward maintaining a system of recreational sites and facilities which is responsive to user needs, serves all areas of the City, and is accessible to residents and visitors.

**Monitoring Measure: Achievement of the recreation and open space Level of Service Standard.**

**Reason for Amendment:** Address geographic distribution of parks in the City.

**Policy 7-1.1.1: Level of Service Standards for Parks and Recreation Facilities.** The City shall promote development of undeveloped and underdeveloped park land resources identified in the recreation and open space inventory and analysis contained in the Comprehensive Plan: Data Inventory and Analysis. The park development plans shall be programmed and scheduled in the capital improvement program and budget. ~~Table VII-4 includes capital improvements programmed and scheduled for recreation facilities improvements.~~ System improvements, including the characteristics of sites and facilities



shall be based on the level of service standards ~~cited in Tables VII-1.1.1(1) and VII-1.1.1(2) of this section~~ Policy 7-1.1.9, which are hereby adopted as the level of service standards for recreation sites and facilities. In addition to measuring acreage of facilities based on population, Level of Service will also be measured based on a radius standard.

**Reason for Amendment:** Address geographic distribution of parks in the City.

**Policy 7-1.1.2: Monitor and Update Recreation Demand and Supply Analysis.** The City shall update on a continuing basis the recreation land and facility demand/supply analysis contained in ~~Tables VII-7 and VII-11 of the Comprehensive Plan: Data Inventory and Analysis. The Comprehensive Plan: Data Inventory and Analysis indicated that existing recreational lands and facilities identified in Table VII-1 satisfy the existing demand as evidenced in the~~ Recreational Facilities Radius Map, adopted herein.

**Reason for Amendment:** Address the geographic distribution of parks in the City.

**Policy 7-1.1.3: Mandatory Land Dedication or Fees In Lieu Thereof.** ~~Upon plan adoption the~~ The City shall amend continue to enforce the land development regulations to include provisions for the mandatory dedication of land for parks and recreation or fees in lieu thereof. The formula shall be a pro rata formula based on City demand and supply analysis. The regulations are intended to ensure that new development provides necessary recreation lands, facilities, and/or fees in lieu thereof in order to accommodate the demands generated by new development.

**Reason for Amendment:** Update.

**Policy 7-1.1.4: Future Recreation Capital Improvements.** If in the future the City identifies recreation improvements for which public funds are needed, as opposed to developer financed improvements, the City shall schedule and incorporate such projects costing \$25,000 or more in the Capital Improvements Element.

**Policy 7-1.1.5: Maintenance of Existing Recreation Land and Facilities.** The City shall maintain existing recreation land and facilities through the use of proper management and funding techniques. The City shall ensure that recreation facilities are sustainable, educational, well managed, well maintained, and that quality recreation programs are available to all residents. This shall be partially achieved by continuing efforts toward collecting, maintaining, and updating data concerning public and private resource inventory, recreation improvement, and demand factors, and by improving design criteria and evaluation to attain a high quality park and recreation system.

**Reason for Amendment:** Update.

**~~Policy 7-1.1.6: Peary Court as a Recreational Resource.~~** ~~The City shall negotiate with the U.S. Navy in order to achieve a perpetual joint use and management plan for Peary Court which realizes the long term value of this area for recreational use. In addition, if the negotiated plan for joint use and management cannot be achieved, then the City should consider acquisition of Peary Court through a land swap, lease-purchase, or other similar negotiated transaction. The City will construct public baseball/softball diamonds at the City's unimproved Salt Pond recreation site if the proposed acquisition or use of Peary Court is not achievable. However, these facilities are not required to meet the level of service standard until after 2010, the horizon year of the plan.~~

**Reason for Amendment:** Update – no longer applicable.

**Policy 7-1.1.76: Utilize Creative Concepts of Urban Design and Conservation of Environmentally Sensitive Open Space.** All plans for development or redevelopment of park land resources shall incorporate creative concepts of urban design and landscape. The plans shall be designed to enhance controlled access along the shoreline of the ocean and estuary systems. Active and passive recreation areas shall be planned in a manner compatible with unique natural features of the site. Park development plans shall be designed to preserve environmentally sensitive features of the site. The design shall provide a circulation system to minimize conflict between pedestrians and vehicles. Lighting shall be minimally invasive, efficient and follow Dark Skies guidelines. Invasive exotic plants and animals will be controlled. All landscaping not need water or fertilizer after establishment. Adequate landscape and screening shall be integrated into park development plans to minimize land use conflicts, protect stability of established residential areas, and enhance community appearance.

**Reason for Amendment:** Update to further address conservation and lighting issues.

**Policy 7-1.1.87: Promote Environmental Concern as Part of Recreational Programs.** The City shall promote environmental education and management as an integral part of park and recreation policies and programs. Support for cooperative programming between resource agencies and local educational advisors will provide park and recreation resources as an instrument for environmental teaching, and as a means for accomplishing this objective. The City shall promote development of nature trails at the Salt Ponds to provide opportunities for environmental education.

**Policy 7-1.1.98: Designation or Acquisition of Natural Reservations.** "Natural reservations" are areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or nonprofit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters.

As part of the City's annual review of needs for recreational sites and facilities (See Objective 7.1.1), the City shall consider waterfront redevelopment improvement needs, particularly the potential for new access points to the Ocean and the Gulf, including areas to support parking demands generated by shoreline access improvements.

As such land, facility, and improvement needs are identified; the City shall investigate the potential of funding such conservation programs through use of public or private not-for-profit agency resources.

**Policy 7-1.1.9: Standards for Level of Service.** The minimum acceptable Level of Service standard for recreation and open space facilities in the City of Key West shall be: five acres of recreation and open space per 1,000 permanent residents, and; the following radius standard:

Recreation Facilities Radius Standard:

<u>Park Type</u>	<u>Acreage</u>	<u>Service Radius</u>
<u>Urban Open Spaces</u>	<u>0 – 2.5</u>	<u>5 minute walk; .25 miles</u>
<u>Neighborhood</u>	<u>2.5 – 10</u>	<u>10 minute walk; .5 miles</u>
<u>Community</u>	<u>10 – 30</u>	<u>10 minute drive; 3 miles</u>

Urban Open Space is understood to mean those areas designated in the City which are between 0 and 2.5 acres and typically contain landscaped areas but have limited or no facilities or other improvement. These areas could include pocket parks and community gardens. The recreational use of these sites is limited by their location and/or size. These sites serve to preserve the aesthetic quality of an area or to intersperse congested urban environments with aesthetically pleasing buffer areas, as well as some limited recreational benefits. Some open space areas may serve as linear, pocket parks, while other areas are parkways, boulevard medians, plazas, malls, courthouse squares and promenades.

Neighborhood Parks are understood to mean those designated areas that are “walk-to” facilities where residents may walk or bicycle to the park within a given neighborhood. Areas for diverse recreational activities which may include, but are not limited to, field games, court games, sports fields, playground apparatus area, picnic area, landscaping and community gardens or senior citizen areas. The Neighborhood Park is a place where neighbors and their families go to meet.

Community Parks are understood to mean an area that provides a diverse range of recreational and leisure activities or provides very specific active recreation facilities for all individuals and families. Facilities and activities may include, but are not limited to athletic fields, swimming pools, community gardens, gymnasiums, performing and community centers, wildlife trails. These facilities are designed to meet the recreation needs of the entire community.

Reason for Amendment: Provide a more meaningful geography based standard for recreation and open space in the City.

**OBJECTIVE 7-1.2: PROTECT OPEN SPACE SYSTEMS.** ~~Upon plan adoption, the City shall adopt-amended~~ continue to enforce land development regulations which include performance criteria designed to protect lands designated as open space from incompatible land uses and such designated lands shall remain functionally intact.

**Monitoring Measure: The inclusion of performance criteria in the Land Development Regulations.**

Reason for Amendment: Update and include Monitoring Measure.

**Policy 7-1.2.1: Implementing Land Development Code and Ensuring Provision of Open Space.** In addition to the subdivision ordinance mandatory park and recreation land and facilities regulation, the City's land development regulations shall continue to include specific open space definitions and standards for open space, natural vegetation, landscape, and signage. Regulations shall continue to include stipulations governing the provision and use of open space for buffering, protection of natural corridors, including drainage ways, as well as other commonly accepted uses.

Reason for Amendment: Update.

**Policy 7-1.2.2: Standards for Review and Maintenance.** ~~Upon plan adoption, When~~ public recreation and open space system improvements are proposed, the City shall carry out a site plan review process which shall ensure that site improvements adequately address access, adequate drainage, vehicular parking, pedestrian circulation, and perpetual maintenance. Land development regulations shall continue to include specific criteria for design of these improvements. During this site plan review process the City shall mandate that proposed recreation and open space improvements comply with adopted level of service standards for drainage. ~~Upon adoption of the master drainage plan programmed for completion and adoption by 1994, the~~ The City shall continue to implement the recommended drainage criteria by mandating that all proposed public recreation and open space systems comply with the adopted site plan review criteria.

Reason for Amendment: Update.

**OBJECTIVE 7-1.3: ACCESS FACILITIES.** ~~Upon plan adoption,~~ To the greatest extent possible, all public recreational facilities shall be made accessible to automobiles, bicycles and pedestrians.

**Monitoring Measure: The inclusion of accessibility improvements to City parks in the Capital Improvements Schedule.**

**Reason for Amendment:** Update and include Monitoring Measure.

**Policy 7-1.3.1: Right-of-Way Improvements.** The City has established vehicle access facilities serving all public and private recreational sites. As future roadway improvements are analyzed, the City shall provide for nonmotorized transportation needs using FDOT design standards for bicycle facilities. No new roadway improvements are currently scheduled by the City.

**Policy 7-1.3.2: Design of Access Facilities.** Public parks and facilities shall be designed and constructed with accessways which are compatible with the character and quality of on-site natural resources. No new land acquisitions are scheduled.

**Policy 7-1.3.3: Bicycle/Pedestrian Accessways.** All neighborhood parks are provided with bicycle and pedestrian accessways. In planning and designing these accessways, the City shall remove barriers limiting access to the physically handicapped.

**Policy 7-1.3.4: Parking Areas and Bicycle Accommodations.** ~~Upon plan adoption~~ †The City shall develop a plan for scheduling continue to provide for the provision of parking spaces and bicycle racks at recreation sites.

**Reason for Amendment:** Update.

**Policy 7-1.3.5: Facilities for Handicapped and Elderly.** The City shall assure that public and private facilities including recreation improvements are designed in a manner which incorporates facilities accessible to the handicapped and the elderly.

**OBJECTIVE 7-1.4: ACCESS TO THE ATLANTIC OCEAN AND THE GULF OF MEXICO.** ~~Upon plan adoption the~~ The City shall adopt amended land development regulations which include performance criteria designed continue to preserve and improve access to the Atlantic Ocean and the Gulf of Mexico.

**Monitoring Measure: Acreage/percentage of public beaches and shoreline that is accessible to residents and visitors.**

**Reason for Amendment:** Update.

**Policy 7-1.4.1: Require Access Points to be Provided as Needed.** ~~Upon plan adoption the City shall adopt amended land development regulations which include performance criteria designed to ensure that public access is maintained an average of a half mile of to natural or renourished beaches. The minimum standard for beach access acreage shall be one-half (½) acre per one thousand (1,000) population consistent with the State DNR standard for public beach access. Currently the City has over twenty three (23) acres of public beach. Considering the City's projected permanent and seasonal population (41,617 and the standard for beach access cited in Policy 5-1.9.1), the City has sufficient beach access to satisfy beach access needs through the year 2010 ( $41.6 \div 2 = 20.8$  acres) The City shall continue to seek to maintain and improve public access to natural and renourished beaches.~~

Reason for Amendment: Update.

**OBJECTIVE 7-1.5: PUBLIC AND PRIVATE COORDINATION IN PLANNING AND IMPLEMENTING RECREATION IMPROVEMENTS.** During its annual review of recreation site and facility needs (See Objective 7-1.1.), the City shall coordinate planning for recreation improvements with each level of government, including the Monroe County School Board, major environmental interest groups, and the private sector in order to promote recreational opportunities, including environmental education activities, in a cost effective manner.

**Monitoring Measure: Interlocal agreements to meet recreation and open space needs.**

Reason for Amendment: Update.

**Policy 7-1.5.1: Joint School-Park Concept.** The City shall promote the implementation of the joint school-park concept by working with the Monroe County School Board. The City shall attempt to maximize joint use of school sites for both school and recreational activities, ~~particularly school facilities sited in Table VII-7 within the recreation and open space element Data Inventory and Analysis.~~ This concept promotes economy and efficient use of potential park and recreation resources centrally located to potential user groups.

Reason for Amendment: Update.

**Policy 7-1.5.2: Private Recreation and Open Space Systems.** The recreation needs of the City shall be met by the City without reliance on the private sector. However, passive recreational open space required as a condition of development approval shall be provided and maintained in perpetuity by the applicant or successors in title. Upon plan adoption the land development regulations shall include criteria requiring that where such passive recreational open space is required as a condition of development approval, the applicant shall provide written assurances acceptable to the City's legal counsel who

ensures the perpetual use and maintenance of the recreational open space. Notwithstanding, the City and an applicant for development approval may enter into an agreement whereby the applicant dedicates the recreational open space to the City, thereby ensuring the recreational use and maintenance of said property in perpetuity.

Reason for Amendment: Update.

**Policy 7-1.5.3: Coordinate with the Private Sector.** ~~Upon plan adoption the~~ The City shall adopt amended continue to enforce land development regulations to include a mandatory recreation land dedication, regulation or fee in lieu thereof. On a continuing basis through the subdivision administration process, the City shall coordinate with the private development sector in providing needed improvements in recreation facilities by enforcing the recreation land and facility dedication or fee in lieu ordinance.

Reason for Amendment: Update.

**Policy 7-1.5.4: Evaluate Lands for Open Space Potential.** ~~As part of the scheduled stormwater management plan the~~ The City shall continue to utilize the possible use of drainage easements as public passive recreation and open space. ~~During FY 1991 - 92 and 1992 - 93~~ The City shall research the use of abandoned utility pole easements as public passive recreation and open space. On an on-going basis and as feasible, the City shall examine all lands currently used as open space, but not currently owned by the City, for feasibility of purchase, purchase options, trade for City owned property, or other negotiated arrangements.

Reason for Amendment: Update.

**Policy 7-1.5.5: ~~Utilize Grantsmen and Other Appropriate Fiscal Advisors Pursue All Available Funding Sources.~~** The City shall ensure that the advantages of all appropriate local and non-local sources of financial and technical assistance are sought and received. Alternative funding sources and impacts must be monitored continually so that appropriate evolving State and federal assistance programs shall be aggressively pursued to ensure the attainment of recreation objectives in a cost effective and fiscally equitable manner.

Reason for Amendment: Update.

**Policy 7-1.5.6: Improve Coordination With Other Human Service Planning Efforts.** The City shall ensure realistic plans and responsive action to meet identified needs in a cost-effective and fiscally equitable manner by encouraging the use of local park and recreation resources for a wider range of human delivery services (i.e., health information, consumer protection, nutrition, ~~bookmobiles~~, etc.). Coordination should include planning activities to provide a hike and bike trail system throughout the City and within open space, park and street corridors. All future recreation facilities shall be designed for multi-purpose use where appropriate.



Reason for Amendment: Update.

**Policy 7-1.5.7: Inform Citizens of Existing Recreation Opportunities and Issues.**

The City shall, ~~coordinate on a weekly basis, with the local press~~ post information and updates on the City Website in order to advise local residents through a public service calendar ~~in the local papers~~ of activities and special events taking place at City parks weekly or monthly. Out reach efforts shall target residents, such as the handicapped or economically disadvantaged, who do not regularly participate in recreation programs, as well as more traditional user groups.

Reason for Amendment: Update.

**Policy 7-1.5.8: Cooperative Programs.** Park and recreation resources shall be used by the City as an instrument for environmental education as well as other adaptive educational programs. This effort shall facilitate the use of local parks as year round community education and recreation facilities for all age groups.

**Policy 7-1.5.9: Review Plans and Policies.** Review and amend as necessary existing plans and policies based on continuing analysis of problems and issues related to parks, recreation and open space. These analytical efforts shall include evaluation of major shifts in the indicators of supply and demand and shall be reviewed on a continuing basis. Identified future land and capital improvements shall be scheduled and programmed in the capital improvement program and budget.

**Policy 7-1.5.10: Fiscal Management.** Review and evaluate park land acquisition proposals and recreation development programs to determine changing fiscal implications. Each year fiscal management policies including the capital improvement program and budget shall be reviewed, evaluated, and refined to reflect current program priorities for parks, recreation and open space. The capital improvement program shall reflect changes in recreation needs based on consumer demands and the impact of development trends and shifts in population magnitude and distribution.

**TABLE VII-3**  
**RECREATION FACILITIES CAPITAL IMPROVEMENTS PROGRAM**  
**City of Key West**

Project	Programme d-City Funding Sources	Other Programme d-Funding Sources	Total Project Cost	FY 1992- 93	FY 1993- 94	FY 1994 -95	FY
RECREATION							



1. Bayview Park Renovation			\$1,005,000	\$500,000	\$505,000		
2. Practice Fields			\$760,000	\$350,000	\$410,000		
3. Clayton Sterling Complex Renov.			\$10,000,000				\$5,000,000
4. Rest Beach Improvements			\$195,000	\$195,000			
5. Frederick Douglass Square Center			\$110,000	\$110,000			
TOTAL RECREATION SYSTEM CAPITAL IMPROVEMENTS	\$0	\$0	\$12,070,000	\$1,155,000	\$915,000	\$0	\$5,000,000

Reason for Amendment: Update – recreation and open space projects are included in the Capital Improvements Element's Capital Improvements Schedule.