



Development Agreement Review

Annual Review 2010

Summary:

According to Section 90-688 of the Key West Code of Ordinances (see Attachment A), and Chapter 163.3235, F.S (see Attachment B) Development Agreements are subject to staff review at least once every twelve (12) months, followed by a status report to the City Commission. The purpose of the status report is to provide a review for good faith compliance with the terms of the development agreement. The City Commission is granted the authority to revoke or modify the Development Agreement based on a finding of substantial competent evidence that there has been a failure to comply with the terms of the development agreement. Additionally, language in each Development Agreement requires annual reporting.

A City Clerk Records search shows that the City has approved three Development Agreements in the last ten years as follows:

- 1) Key West Resort and Conference Center (Attachment C)
- 2) AIDS Help of Monroe County, Inc. (A.H.M.C.), Poinciana Royale (Attachment D)
- 3) Banana Bay Resort/ Fairfield Inn (Attachment E)

The Key West Resort and Conference Center and the A.H.M.C. Development Agreements were Development Agreements approved in 2009 and are subject to their first annual Development Agreement review. The Development Agreement for Banana Bay Resort will be reviewed in 2011 (see Attachment E).

This report provides a brief overview of the status of the Key West Resort and Conference Center development, located at 3800, 3820, 3850 and 3852 North Roosevelt Boulevard, and 1185 20th Street pursuant to the Development Agreement; and the status of the A.H.M.C., Poinciana Royale development pursuant to the Development Agreement for property located in the Poinciana Special Needs Housing Section off of Duck Avenue.

The key approval dates and resolution numbers are as follows:

**Development Agreement Review
Table of Key Dates and Approvals**

Properties Under Review	City Commission Approval Date	City Commission Resolution	DCA Determination (Effective Date)	Annual Report Submission	City Commission Review
Key West Resort	3/04/2009	2009-059	7/17/2009	05/10/2010	10/19/2010
AHMC	5/06/2009	2009-112	7/17/2009	07/28/2010	10/19/2010
Banana Bay Resort	4/07/2010	10-135	7/13/2010	7/13 /2011	TBD

Development Status and Achievements Pursuant to Terms of Agreement:

The Code requires this report summarize the status of all activities to and achievements pursuant to each Development Agreement and that within fourteen (14) days of the anniversary date of the Effective Date of the Agreement a progress report shall be submitted by the developer or property owner. The following determination is based on timely reports submitted by the property owner/lease holder (see Attachments F and Attachment G) as they pertain to compliance with the City Commission approved Development Agreements. Each development is addressed below.

Key West Resort and Conference Center

An annual update was filed timely on May 12, 2010. No development has occurred on the site since the date of the Development Agreement approval. The site has continued to operate under its current conditions. Development must be completed within ten years from the effective date (July 17, 2009) (see Attachment C and Attachment H). Therefore, the developer is in compliance with the conditions of the approval.

A.H of Monroe County, Inc. (A.H.M.C.)

On July 28, 2010, the department received a timely submittal of a Development Agreement Annual Report from the developers of the A.H.M.C. for the approved project in the Poinciana Special Needs Housing Section. Eleven percent (11%) of the approved work on site has been completed (see Attachment G). The Agreement requires three phases of development to commence within the first five (5) years of the effective date of July 17, 2009 (see Attachment D and Attachment I). Other conditions required in the Development Agreement are not relevant at this point of the development phase. Therefore the development is within the specified timeframes and conditions of approval pursuant to the requirements of the timeline agreement.

Since the date of the Development Agreement there has been a Minor Modification to the development plan. This modification was identified after the issuance of the attached

Development Agreement Annual Report. On August 5, 2010, the developers came to the department requesting to relocate a fire lane (see Attachment J). The plans were reviewed by staff for compliance with the Land Development Regulations. It was approved by the City Planner, the City Engineer and the Planning Board Vice Chair and on September 16, 2010 the Planning Director reported to the Planning Board the Minor Modification as required by Code Section 108-91 C.2 (a).

Summary of Findings:

In summary, this review finds that there has been demonstrated good faith compliance with the terms of the two Development Agreements pursuant to City Commission Resolution 2009-059 for the Key West Resort and Conference Center; and City Commission Resolution 2009-112 for the A.H.M.C. Development Agreement.

Attachments:

- Attachment A: Code of Ordinances Section 90-688, Development Agreements
- Attachment B: Florida Statute 163.3235, Development Agreements
- Attachment C: Development Agreement, Key West Resort and Conference Center
- Attachment D: Development Agreement, AIDS Help of Monroe County, Inc.
- Attachment E: Development Agreement, DCA Determination and Resolution 10-135, Banana Bay/ Fairfield Inn
- Attachment F: Development Agreement Annual Report letter, from Spotswood Companies, Inc., for the Key West Resort and Conference Center
- Attachment G: Development Agreement Annual Report letter, from A.H.M.C., Inc., for the Poinciana Special Needs Section Poinciana Royale development
- Attachment H: DCA Determination memo and Resolution 2009-059
- Attachment I: DCA Determination memo, Resolution 2009-112
- Attachment J: Request for a Modification to the Major Development Plan for A.H.M.C.