

EXECUTIVE SUMMARY



To: Jim Scholl., City Manager

From: Patrick Wright, Planning Director

Meeting Date: November 7, 2018

RE: **Development Agreement – 3900 South Roosevelt Boulevard (RE #00066180-000200)** - A request for a development agreement between Passco Ocean DST and The City of Key West for the construction of 56 new market rate residential units and 24 new affordable units on property located within the High Density Residential (HDR) Zoning District.

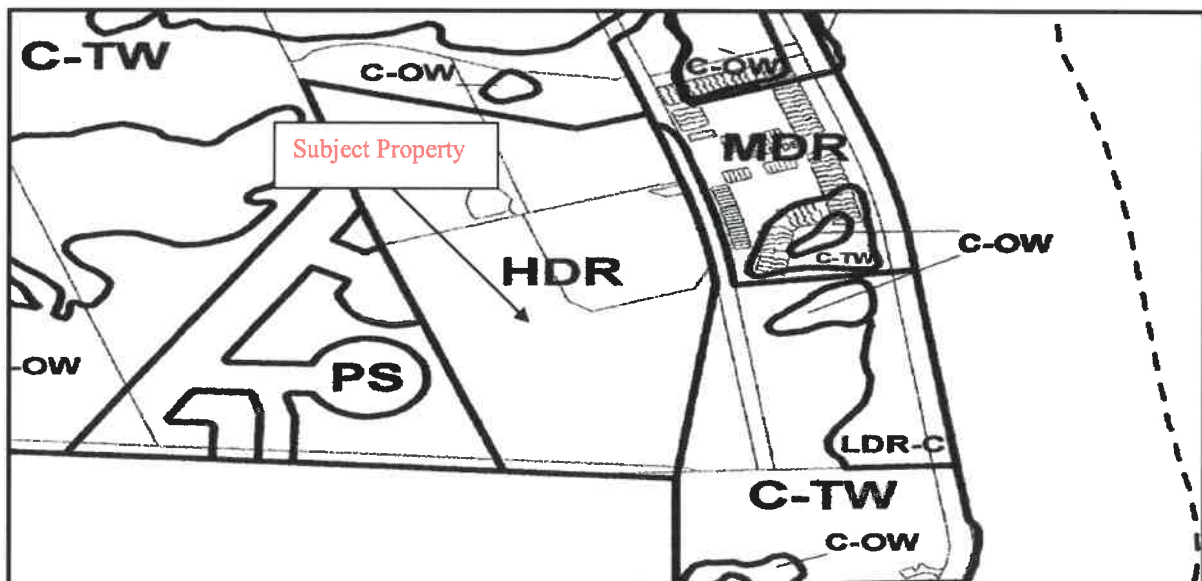
Request: Development agreement between Ocean Walk Key West Owner, LLC and The City of Key West for the construction of 56 new market rate residential units and 24 new affordable units.

Applicant: Critical Concern Consultants

Property Owners: Passco Ocean DST

Location: 3900 South Roosevelt Boulevard (RE# 00066180-000200)

Zoning: High Density Residential (HDR)



Project Background:

The subject property is located at 3900 South Roosevelt Boulevard and is bound by the multi-family residential units at Seaside and Las Salinas Condominium. The property is surrounded by Public Service, Medium Density Residential, Conservation-Tidal Wetlands, and Conservation - Outstanding waters of the State zoning districts. The parcel is approximately 17.11 acres of land including environmentally sensitive areas.

The parcel at Ocean Walk contains 296 existing dwelling units within two buildings that were constructed in 1989:

- Building one contains 88 units and is 26.6 feet in height with covered parking on the ground floor and apartments on the second and third floors;
- Building two contains 208 units and is 43.5 feet in height with covered parking on the ground floor and apartments on the second through fifth floors.

The proposed major development plan and landscape waiver seeks to add 56 new market rate units and 24 new deed restricted affordable units for a total of 80 new units to be located in two new structures. The proposal is located in the High Density Residential (HDR) zoning district which allows residential uses, including single-family, two-family, multi-family dwelling units at a maximum density of 22 units per acre. The project was awarded Building Permit Allocation System (BPAS) units in Year 2 and Year 4:

- Planning Board Resolution 2015-26, the project was awarded 28 market-rate equivalent single-family units and 12 affordable equivalent units through Year 2 of the Building Permit Allocations System;
- Planning Board Resolution 2017-06, the project was awarded 28 market-rate equivalent single-family units and 12 affordable equivalent single-family units through Year 4 of the Building Permit Allocation System.

In order to allow the proposed development, the following development approvals would be necessary or are requested by the applicant:

- Landscape Waiver review is required due to requirements along street frontage pursuant to 108-413 of the LDRs of the Code of Ordinances of the City of Key West;
- Major Development Plan review is required due to permanent residential development; addition of eleven or more units, pursuant to 108-91.B.2(a) of the LDRs of the Code of Ordinances of the City of Key West;
- Development Agreement has been requested per Article IX of the LDRs of the Code of Ordinances of the City of Key West.

City Actions:

Preliminary City Commission authorization: January 5, 2016 (Resolution 16-021)
Development Review Committee (DRC): March 24, 2016
Development Review Committee (DRC): October 27, 2016
Conceptual Landscape Plan: January 10, 2017
Planning Board: May 18, 2017 (postponed)
Planning Board: June 15, 2017
Final Landscape Plan Approval: July 31, 2017
City Commission: August 15, 2017 (passed 1st reading)
October 17, 2017 (postponed 2nd reading)
December 5, 2017 (postponed 2nd reading)
January 17, 2018 (postponed 2nd reading)
March 20, 2018 (postponed 2nd reading)
June 19, 2018 (postponed 2nd reading)
July 3, 2018 (postponed 2nd reading)
September 5, 2018 (postponed 2nd reading)
DEO review: Up to 45 days, following a local appeal period.

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.

Development Agreement Review Criteria (Section 90-682):

The City's Land Development Regulations set forth criteria for the contents of a Development Agreement. The Planning Board through Resolution 2017-25 compliance with Section 90-682.

At a dually advertised public meeting held June 15, 2017 the Planning Board reviewed this Development Agreement, based on comments from Staff provided at the DRC Meetings held March 24, 2016 and October 27, 2016. Planning Board Resolution No 2017-25 is attached herein.

Options / Advantages / Disadvantages:

Option 1. Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2017-25, and additional conditions recommended by staff:

Consistency with the City's Strategic Plan, Vision and Mission: Granting the request would be consistent with the Economic and Environmental goals of the Strategic Plan. This action would provide additional residential dwelling units in the High Density Residential zoning district.

Financial Impact: The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

Option 2. Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested development plan would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the request.

RECOMMENDATION: Option 1

The Planning Department and Planning Board recommend that the request for a Development Agreement be **approved**.