

## EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager

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

**From:** Nicole Malo, Planner

**Date:** January 18, 2012

**RE:** 1000 Atlantic Boulevard, Higgs Beach Park  
Request for Permission to Initiate a Development Agreement

### Action Statement

**Request:** Preliminary City Commission authorization to enter into a Development Agreement with the County for the redevelopment of the Higgs Beach Park per Section 90-679 of the Land Development Regulations

**Location:** 1000 Atlantic Boulevard, Higgs Beach Park

### Background

The City's Land Development Regulations allow the City Commission, at its sole discretion, to enter into Development Agreements with property owners. Section 90-679 of the Code requires the City Commission to first make a preliminary determination regarding their willingness to enter into such an Agreement prior to the normal process of application submittal, Planning Board review and City Commission hearing of a negotiated Agreement.

On December 12, 2011, Monroe County Mayor, Heather Caruthers, on behalf of the County who is the property owner of Higgs Beach Park, submitted a request for such preliminary City Commission consideration, after consulting with the Planning Department to discuss options to extend the proposed Major Development Plan/Master Plan approval timeline. The request was submitted pursuant to Section 90-678 which requires the applicant to initiate the process through the city administrative official (in this case the Planning Department).

The Higgs Beach Park Master Plan proposes a phased approach to the development schedule of the approximately 17.5 acres site. The entire project is proposed to be complete within the next 10-15 years as grant funding and other funding sources become available. The proposal includes major infrastructural improvements such as the relocation of Atlantic Boulevard, a stormwater management plan, redeveloped parking

areas, bicycle pathways, and playground areas; and smaller improvements such as a new nature and visitors center and bathrooms facilities, pedestrian trails, ball courts and open space areas flanked by major landscape improvements.

The Major Development Plan was approved by the Planning Board on October 20, 2011 through Resolution 2011- 049; although final Master Plan approval will be granted by the City Commission at the same time that the final Development Agreement approval is requested. Given the size of the project and complexity of the funding acquisition, it is appropriate for the Commission to consider extending the Development Plan approval timeline into a Development Agreement, thereby giving the City and County the additional time needed to acquire funding in a manner consistent with the phased construction schedule. Additionally, the County has requested that application fees be waived as part of this request. While the Development Agreement process is not right for every project, it is generally most suitable for large-scale projects of this nature.

Although up to ten years are allowed for a Development Agreement per City Code, it is up to the Commission to determine what timeframes will be appropriate for this project, should the Commission decide to issue this preliminary determination.

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.*

Should the Commission give the applicant preliminary authorization to move forward with an application for a Development Agreement, the applicant would be required to provide a draft agreement as well as other information required by the code. The draft agreement would be heard first by the Planning Board and then be submitted to the City Commission for public hearing.

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the preliminary request by the applicant to consider a Development Agreement for the Higgs Beach Park Master Plan project.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action is consistent with the mission and vision of the city.
2. **Financial Impact:** The ability to implement a Development Agreement for the Higgs Beach Park Master Plan will promote long-term cost savings including staff time.

**Option 2.** Do not approve the request and require the applicant to use limited timelines associated with Development Plan approvals for the project.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action is inconsistent with the mission and vision of the city.
2. **Financial Impact:** The denial of the County's request could cause long term expenditure of city staff time.

**Staff Recommendation**

Option 1: Approval of the preliminary request to enter into a Development Agreement