City Commission Resolution 12-018 to Initiate Development Agreement

Planning Board Resolution 2011- 049 Major Development Plan and Approved Site Plans

RESOLUTION NO. 12-018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING PERMISSION TO INITIATE A DEVELOPMENT AGREEMENT FOR THE HIGGS BEACH PARK PROPERTY (1000 ATLANTIC BOULEVARD); PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Section 90-679 of the Code of Ordinances, the City Commission is allowed to determine whether it is willing to consider entering into a proposed Development Agreement prior to the commencement of the normal process of approving a Development Agreement;

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

<u>Section 1</u>: That the City Commission is amenable to considering a development agreement for the Higgs Beach Park property (1000 Atlantic Boulevard) in accordance with section 90-679 of the Code of Ordinances.

<u>Section 2</u>: That Monroe County is encouraged to work with Planning and City staff in the submission of such a development agreement for City Commission consideration. Section 3: 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 <u>3rd</u> day of <u>January</u>, 2012.

Authenticated by the presiding officer and Clerk of the Commission on <u>January 4</u>, 2012.

Filed with the Clerk January 4 , 2012.

CRAIG C

ATTA

EXECUTIVE SUMMARY



То:	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:

K:\Geo Projects\Higgs Beach\2011 Master Plan\2012 DA\1 20120118 CC Exec Summary - Development Agreement Initiation Request.doc Page 2 of 3 **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





BOARD OF COUNTY COMMISSIONERS Mayor David Rice, District 4 Mayor Pro Tem Kim Wigington, District 1 George Neugent, District 2 Heather Canuthers, District 3 Sylvia J. Murphy, District 5

Honorable Mayor Craig Cates City of Key West 3126 Flagler Avenue Key West, Florida 33040

Dear Mayor Cates,

Ø

December 12, 2011

Last January, Monroe County completed a Master Plan for Higgs Beach Park. The Master Plan was a result of over two years effort by my office, City Commissioner Johnson, Friends of Higgs Beach, stakeholders, interested residents and County/City staffs. As a result of several design charrettes and numerous public meetings, consensus was reached and an overall plan for the redevelopment of Higgs Beach was prepared based upon this input. On January 19, 2011, the Monroe County Board of Commissioners authorized the design team to proceed with the development approval process and to that end, a Major Development Plan application was prepared and submitted to the City on July 1, 2011.

Pursuant to Section 90-678 of the City Code, Monroe County wishes to enter into a Development . Agreement to implement the Master Plan for Higgs Beach Park. Due to the scope of this project, the County seeks an agreement with the City to allow a ten-year timeframe for implementation of the Master Plan.

Higgs Beach is an important asset for both City and County residents as well as visitors. Last October, the City graciously approved our request to waive the application fees for the Development Plan application process. The County is requesting the City waive application fees for the Development Agreement process as well.

We hope the City will consider this request at the earliest City Council meeting. Thank you for your assistance in this matter,

Sincerely

Heather Carruthers, Commissioner Monroe County District 3

ce:

Teri Johnson, City Commissioner District V (via email) Don Craig, Key West Planning Director (via email) Larry Erskine, Key West Attorney (via email) Nat Cassel, Monroe County Assistant County Attorney (via email) Jerry Barnett, Monroe County Project Management Director (via email) Bill Horn, Architect (via email) Barbara Mitchell, Mitchell Planning and Design (via email)

RESOLUTION NUMBER 2011-049

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING MAJOR DEVELOPMENT PLAN APPROVAL PER SECTIONS 108-91 AND 108-96 THROUGH 108-957 FOR PROPERTY LOCATED AT HIGGS BEACH PARK (RE# 00058800-000000,00058790-000100, 00058790-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Public Service and Semipublic service (PS) zoning district; and

WHEREAS, Section 108-91 of the Code of Ordinances provides that outside the Historic District a Major Development Plan is required for the addition of outdoor activity or similar activities equal or greater than 5,000 square feet; and

WHERAS, the applicant proposed a Master Plan with associated Landscape Plan and Civil

Drainage Plan to redevelop the Higgs Beach Park; and

WHEREAS, Section 108-196(a) requires the Planning Board to review and approve, approve with conditions, or deny the proposed Major Development Plan; and

Page 1 of 5 Resolution Number 2011-049

Chairman Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on October 20, 2011; and

WHEREAS, the granting of a Major Development Plan application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the granting of a Major Development application is 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 Planning Board 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 a Master Plan for redevelopment of Higgs Beach Park located in the PS zoning district per Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE# 00058800-000000, 00058790-000100, 00058790-000000), as shown in the attached plans dated August 30, 2011 with the following conditions of approval:

General Conditions:

1. City Commission approval of the Intergovernmental Agreement

Page 2 of 5 Resolution Number 2011-049

Chairman

Planning Director

- 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).
- 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.

Page 3 of 5 Resolution Number 2011-049

Planning Director

 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. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Major Development Plan application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. 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 6. 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 or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order 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; that within the forty five (45) day review

Page 4 of 5 Resolution Number 2011-049

Chairman

Planning Director

period the DCA can appeal the permit or development order 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.

Read and passed on first reading at a regularly scheduled meeting held this 20th day of October, 2011.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Date

Richard-Klitenick, Chairman Key West Planning Board

Attest:

Donald Leland Craig, AICP Planning Director

Filed with the Clerk:

Cheryl Smith, Cit Clerk

Page 5 of 5 Resolution Number 2011-049

Chairman

Planning Director

10 28 4

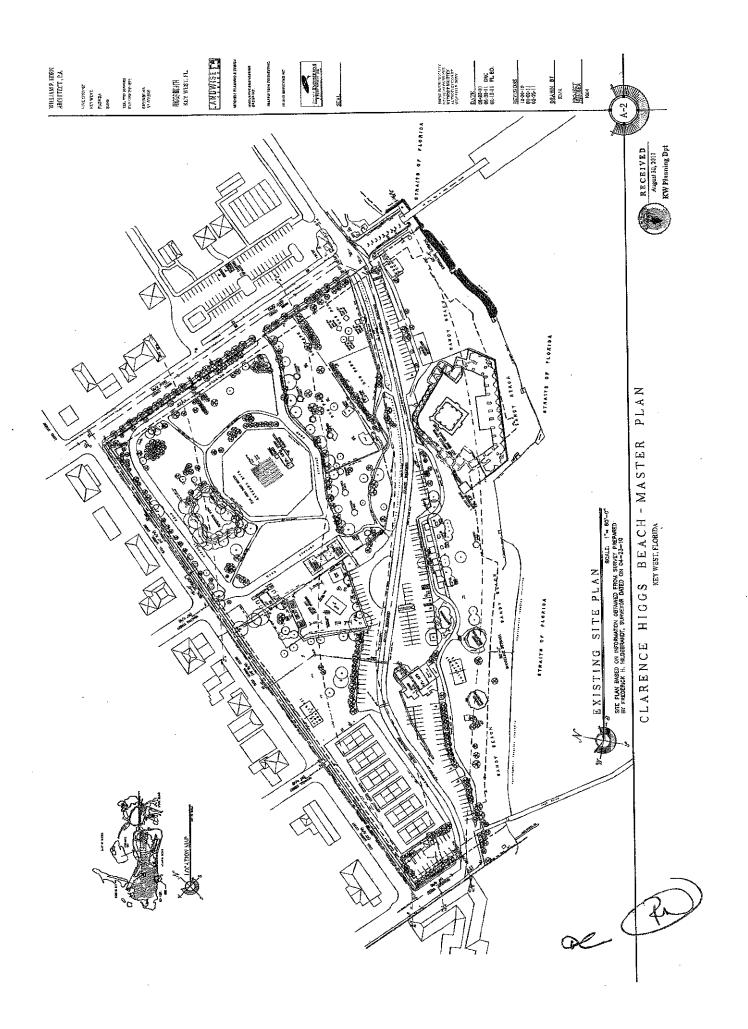
Date

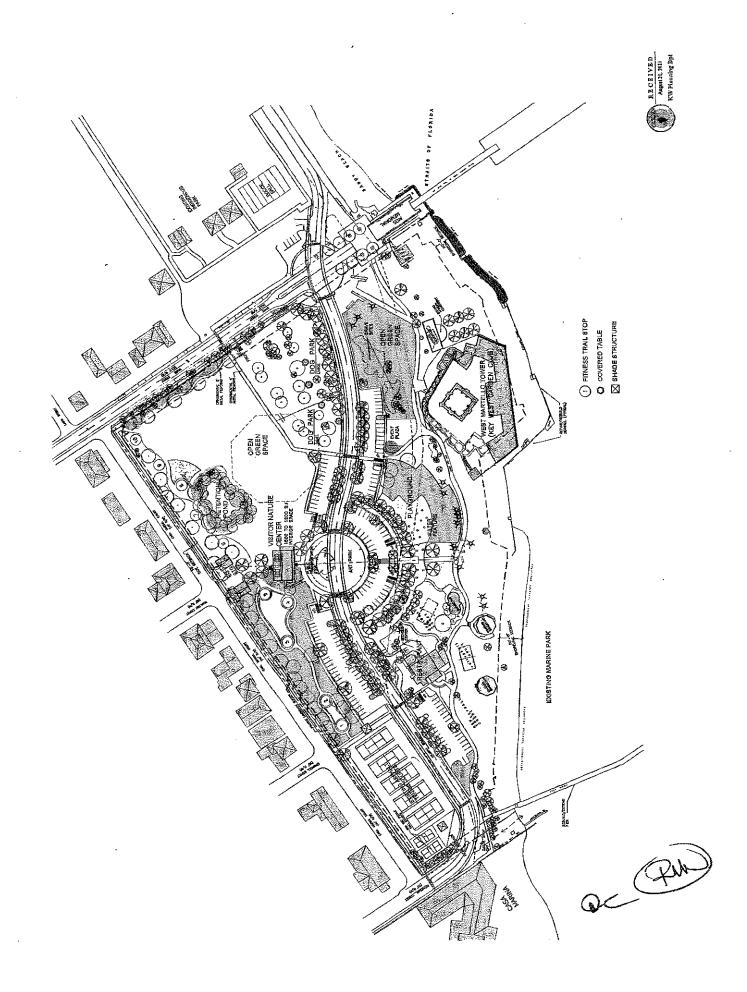
10-3[-(/

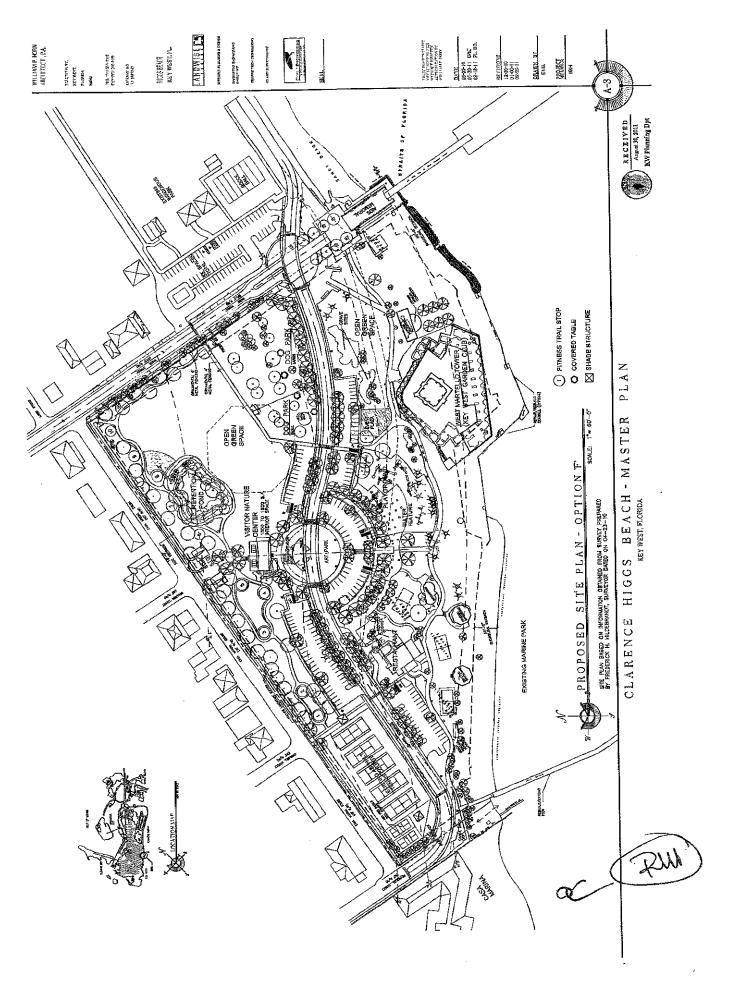
Date

Site Plans

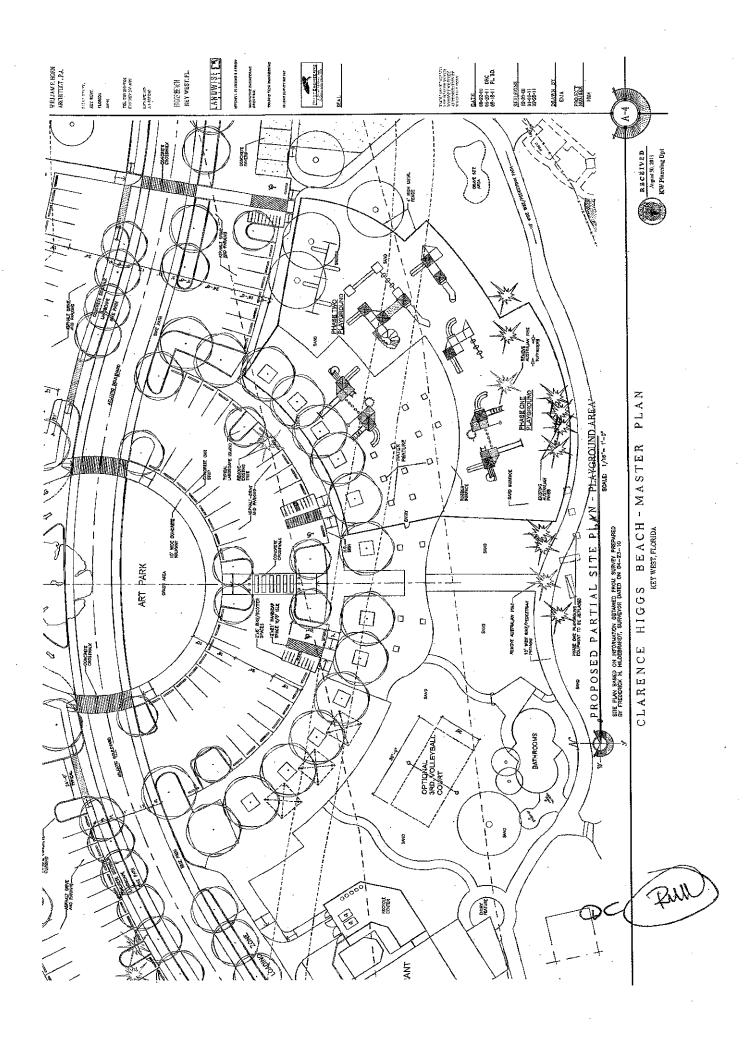
WILLIAN P. DORN ARCHITCCT, P.A. ARCHITCCT, P.A	HIN'S BEACH KEY WEST. PL LA HUWLEE COMPANY MARK COMPANY M	MARCHART REPORTS	
	SITE DATA see area rate at (17.6 Arres) JADO USE of Queue SENAGES ME. REVENTION & THR APACE JADO USAGE. At 440/1/A 190/AE 10/AE 12 TODO DORG. At 440/1/A 190/AE 10/AE 12 REMORE: At 440/1/A 190/AE 10/AE 12 REMORE: AT 440/1/A 190/AE 10/AE 12 REMORE: AT 440/1/A 190/AE 10/AE 13 REMORE: AT 440/AE 197/AE 18/A/ADDOURD) SEREMORE: AT 440/AE 19/AE 18/A/ADDOURD) SEREMORE: AT 440/AE 19/AE 19/AE 18/A/ADDOURD) REMORE: AT 440/AE 19/AE 19/AE 19/AE 19/AE 19/AE 19/AA 10/ADDOURD) REMORE: AT 440/AE 19/AE 19/AE 19/AE 19/AE 19/AE 19/AE 10/AE	REALDING 24.0 PERIOD 24.0 PER	
· · ·	BEACH N	LIST OF DRAWINGS Ari coversiter, sitte Aria Ari coversiter, sitte Aria Ari coversiter, sitte Aria Ari stronsson in the Aria Aria statutu aria Aria statutu sitte Jukatar - 10 Aria statutu sitte Jukatar - 10 Aria statutu sitte Jukatar - 10 Aria sitte Aria Aria aria Aria sitte Aria Aria aria Aria sitte Aria Aria aria Aria Aria Aria aria Aria	S BEACH - MASTER PLAN Key Westificarida
	CLARENCE HIGGS MASTER PLAN KEYWEST, FLORIDA	MASTER PLAN TEAM MEMBERS Abilitati Mullan MANURI Mullan Mullan Mullan Mullan Mullan Mullan Mulan Mulan Mullan	CLARENCE HIGGS

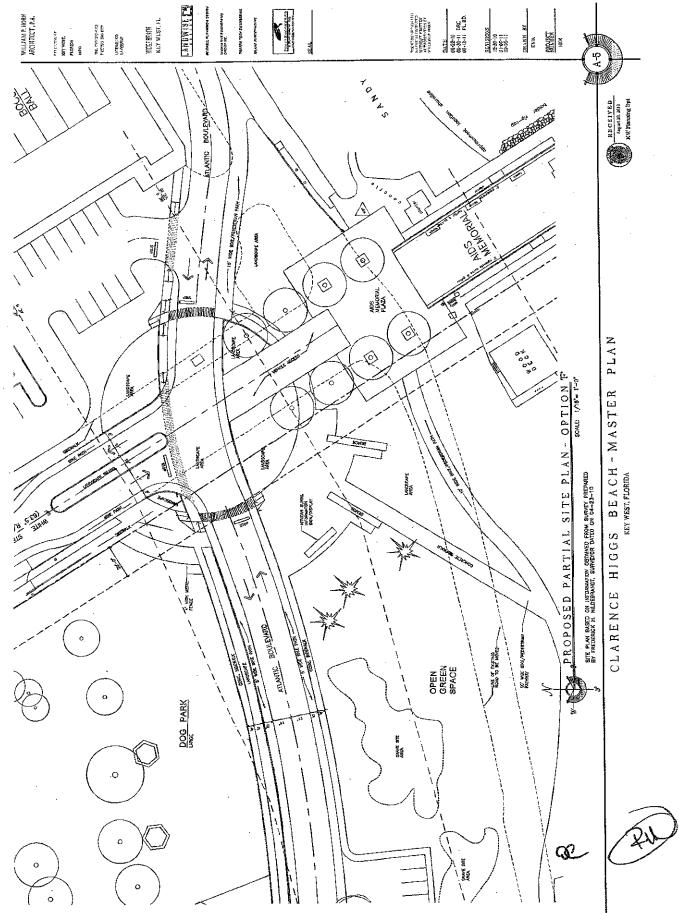


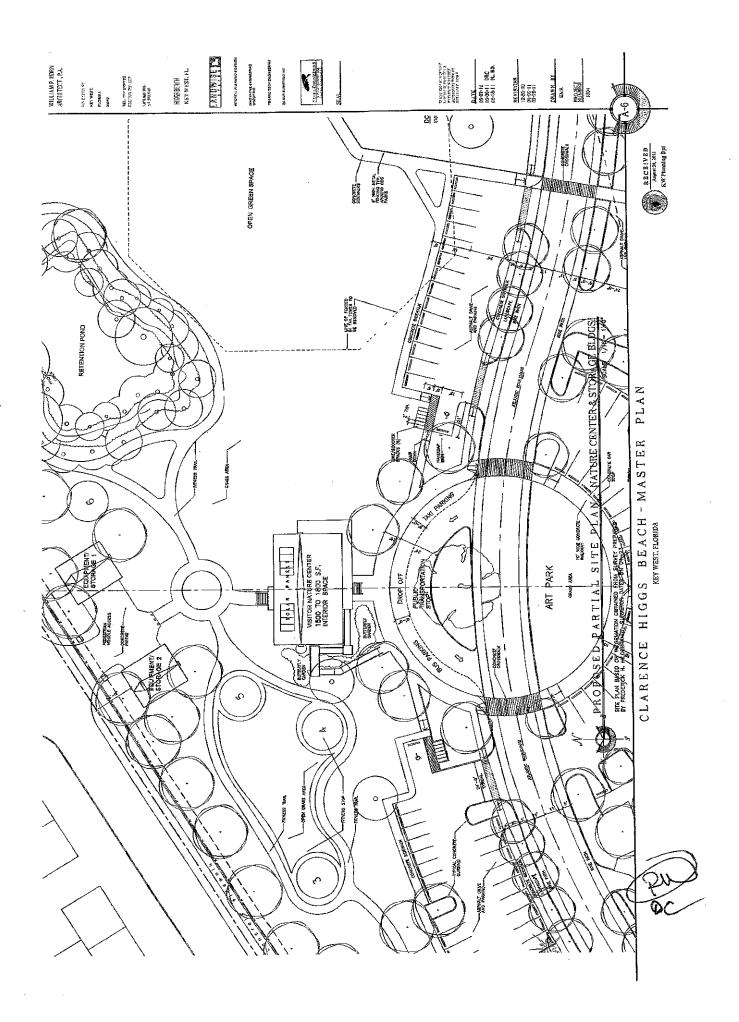


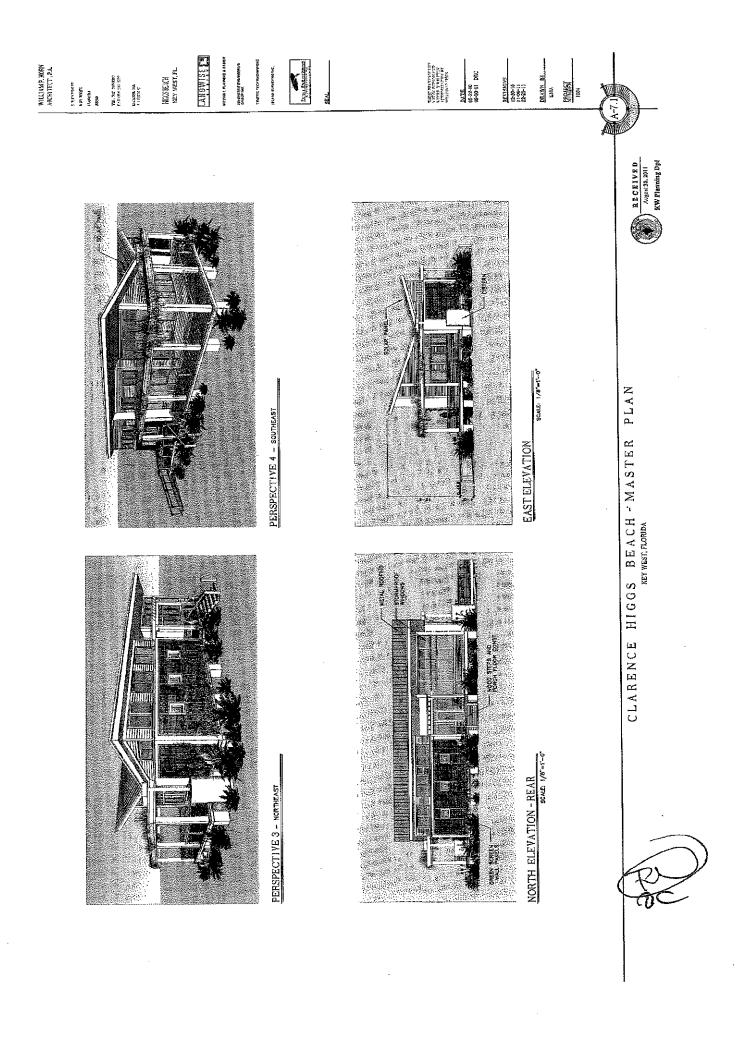


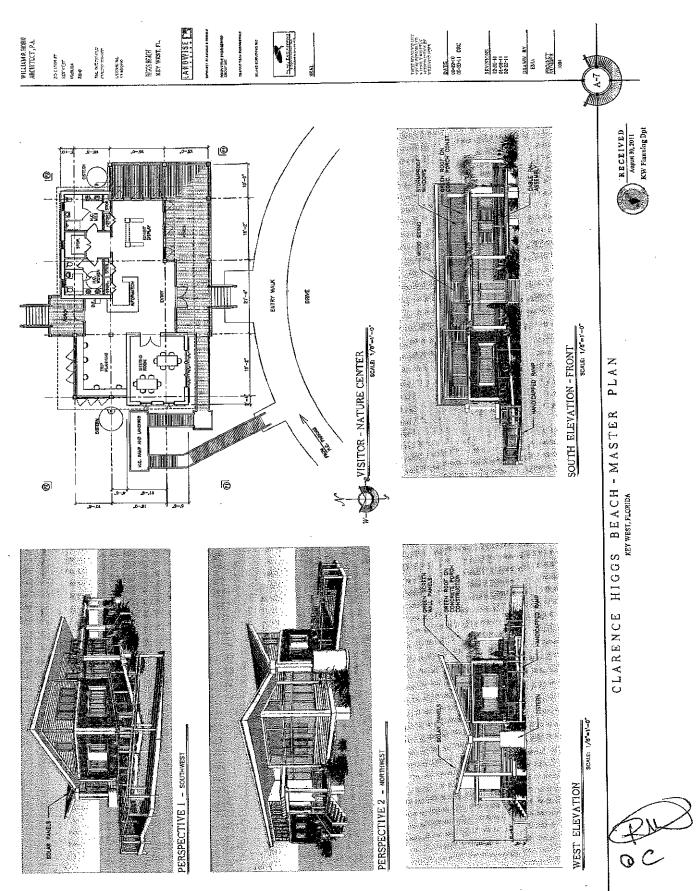
.

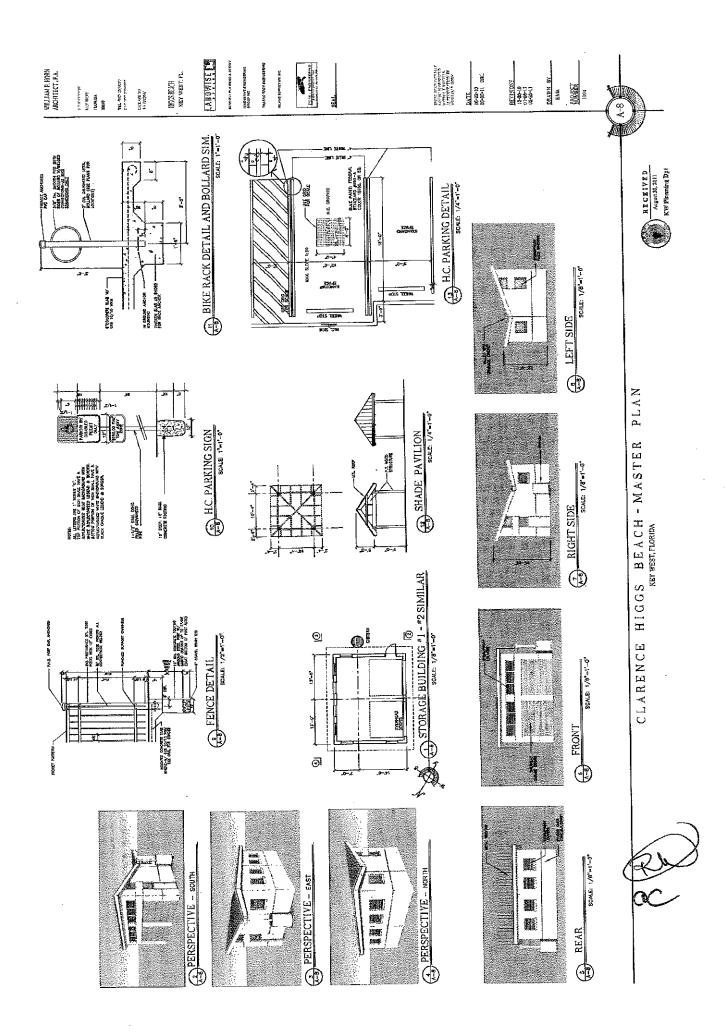


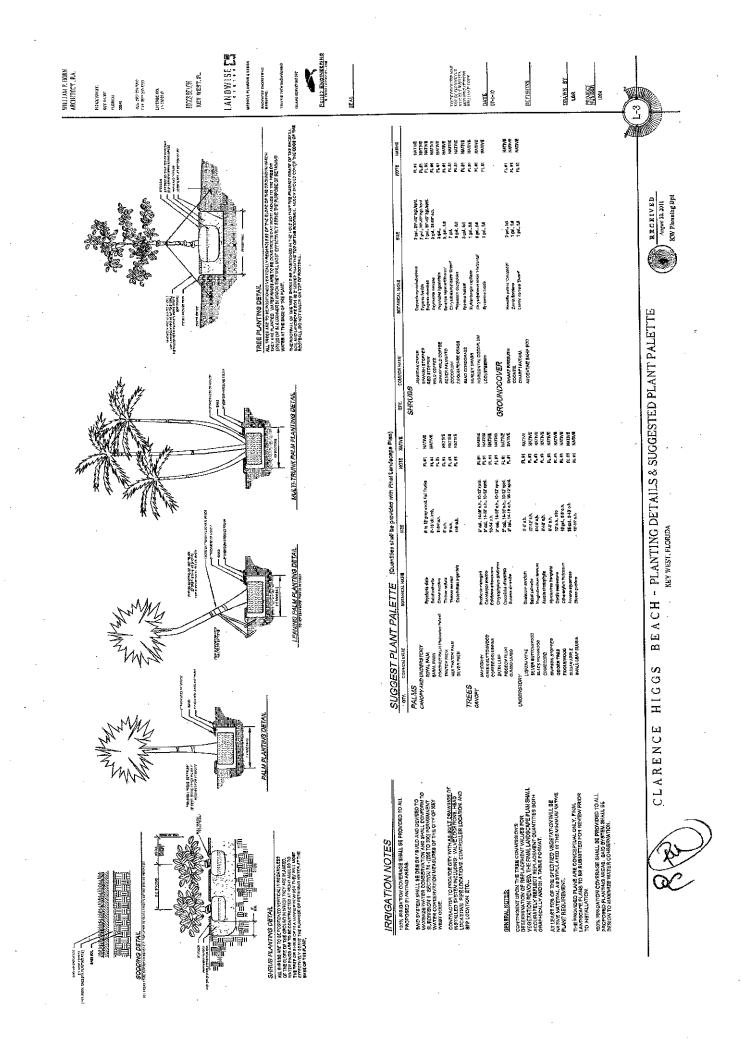


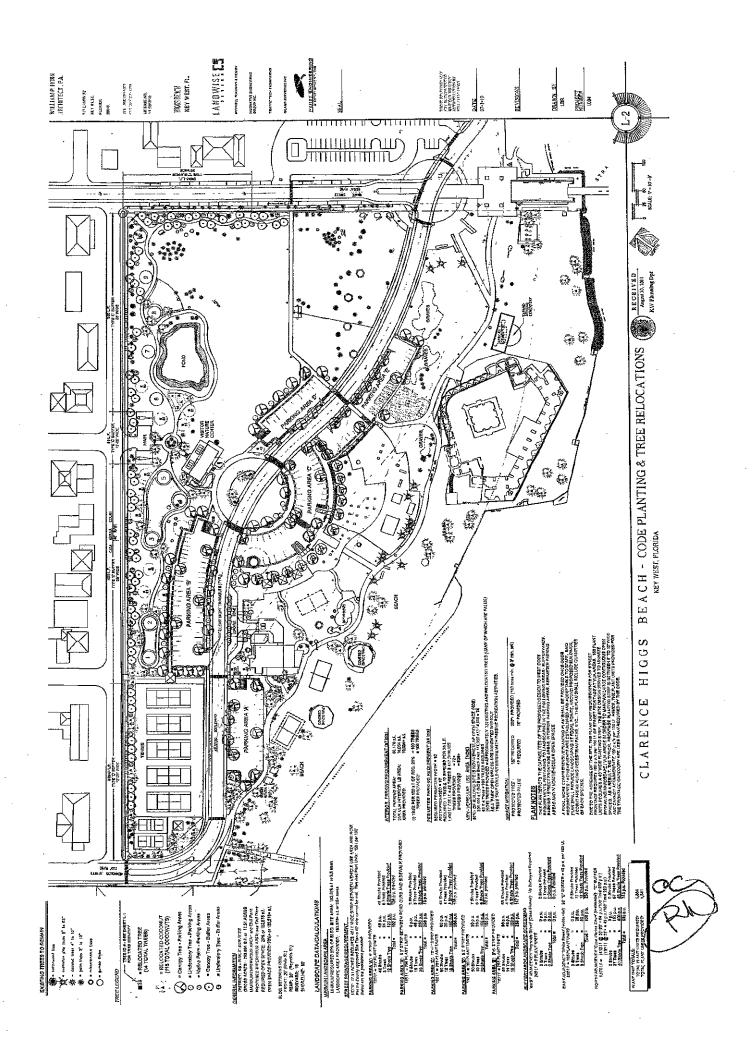


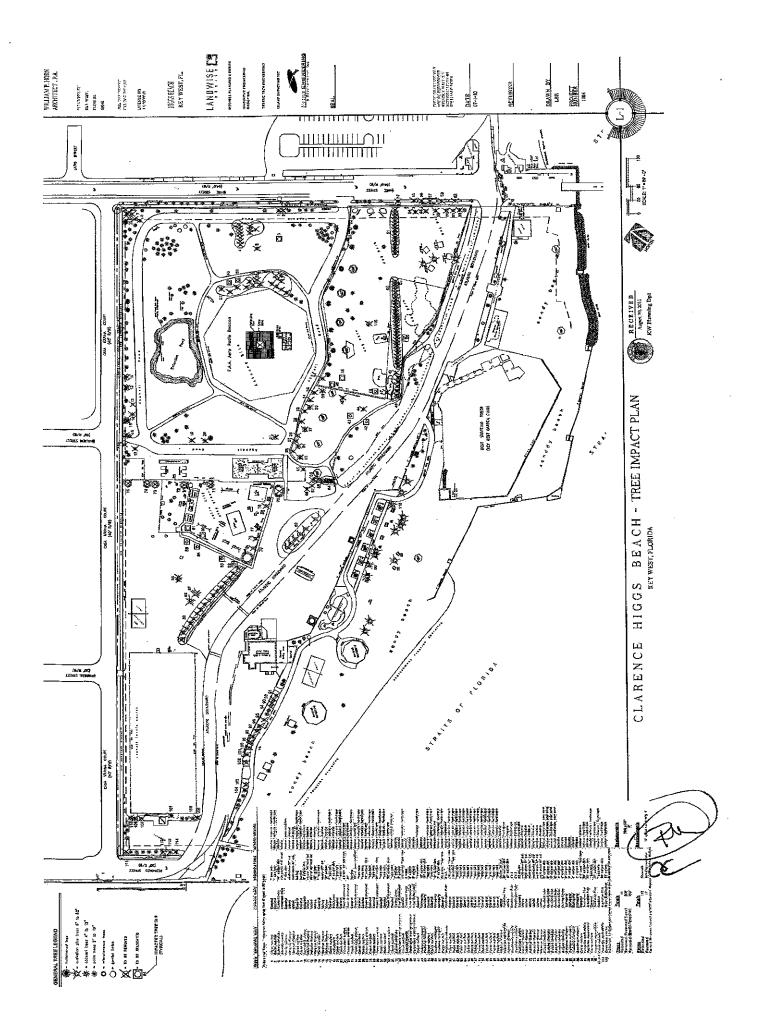


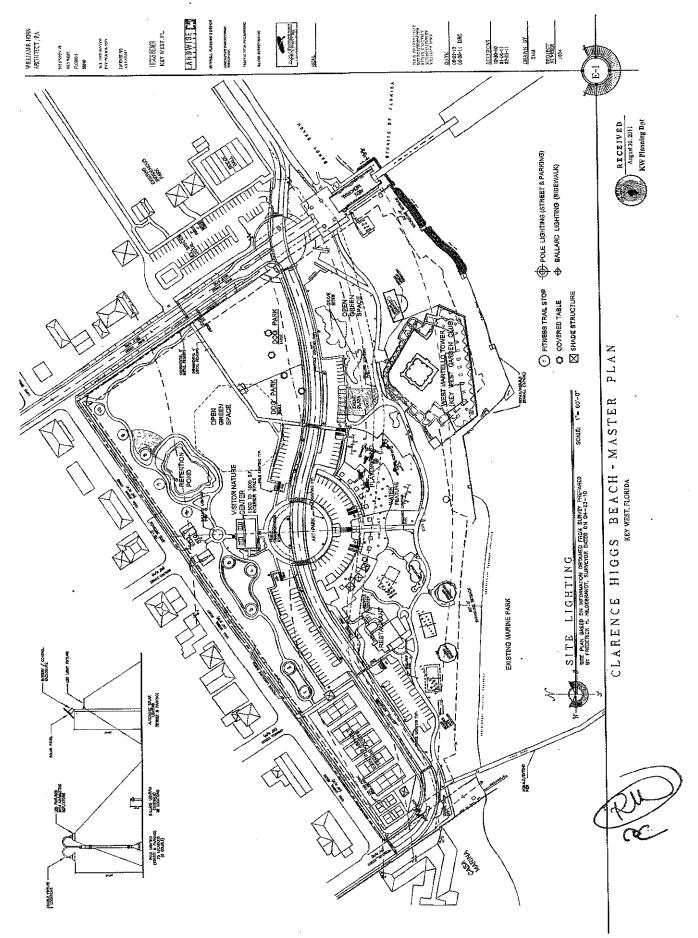












.

