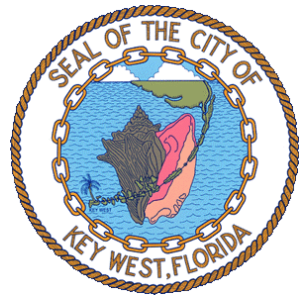


EXECUTIVE
SUMMARY



To: Patti McLauchlin, City Manager

From: Scarlet Hammons, AICP CTP, Planning Consultant

Through: Katie P. Halloran, Planning Director

Meeting Date: July 22, 2022

RE: **Amendment to a Development Agreement – 541 White Street (RE# 00006730-000200)** – A request for an Amendment to a Development Agreement to construct 48 affordable workforce housing units in the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Section 90-689 and 122-611 of the City of Key West Land Development Regulations.

Background:

The subject property is bound by Palm Avenue, Eaton Street, White Street, Eisenhower Drive and Angela Street within the HSMDR Zoning District. It consists of one 24 acre parcel under single ownership. The property has historically been utilized as army barracks dating as far back as the mid nineteenth century and redeveloped in the early 1990's to 160 Navy housing units. The property also housed a 10,000 square foot bank building occupied by Keys Federal Credit Union that was demolished in 2013. The site of the bank building is now proposed to remain an open green area for recreational space.

In 2012 the Navy sold the property to a non-governmental entity thus making it subject to local zoning control. The City Commission adopted Ordinance 12-33 in September 2012 which established the HSMDR zoning district for Peary Court as well as set aside 48 affordable building permit allocation (BPAS) units by recommendation of the State Department of Economic Opportunity to satisfy the 30% affordable housing requirements. The total allowed maximum density is 208 units. The HSMDR zoning also requires that any major development plan be accompanied by a development agreement. Thus, both requests are put forth as part of this application.

Presently, the property is partially governed by a development agreement approved by the City for the former owner and has a site plan for construction of the 48 BPAS units involving new structures and revisions to the landscaping and drainage systems. Based upon zoning, the former owner received approval of the development agreement for adding the 48 units, along with the anticipation that the remaining original 160 units would be converted to market rate housing.



Request:

This request is to amend an existing Development Agreement pursuant to Section 122-611(e) and 90-689 to construct 48 affordable units as previously allocated. If approved the development would result in a total of 208 units on the parcel.

Development Agreement Review Process:

Development Review Committee:	December 16, 2021
Planning Board Meeting:	April 21, 2022
HARC Commission Meeting:	March 22, 2022
Tree Commission	April 11, 2022
City Commission:	June 7, 2022
Local Appeal Period:	30 Days
Planning renders to DEO for review:	Up to 45 days

Planning Staff Analysis:

Proposed revisions to this Development Agreement were reviewed before the Planning Board on February 17, 2022, where the revisions were approved. Due to an oversight regarding noticing, the item returned to Planning Board on April 21, 2022. Planning Board Resolution 2022-18 is attached. For the revisions that were presented on April 21, 2022, the Board found the proposed Development Agreement amendments to be in compliance with review criteria in Section 90-682 of the City of Key West Land Development Regulations and recommended approval with the following conditions:

General condition

- 1. The Conditions of Approval as provided in the Major Development Plan for Peary Court Development are applicable and binding to this Amendment to a Development Agreement.*

On February 17, 2022, the Planning Department requested information from the Housing Authority regarding property owner compliance with the requirements of the deed restriction associated with 541 White Street (Declaration of Affordable Rental Housing Restrictions, entered into on July 18, 2016).

However, the City's Legal Department advised staff last week that the City Commission cannot contemplate matters related to the applicant's compliance status with the property's Deed Restriction with respect to current units when evaluating the applicant's proposed Major Development Plan and requested modification to the Development Agreement with respect to future units. Additionally, the City is not a party to the current Deed Restriction which identifies the Housing Authority and Land Authority as the parties responsible for monitoring affordable housing compliance and enforcement for all housing at Peary Court.

The majority of the edits proposed to the existing Peary Court Development Agreement are related to housekeeping. The Land Authority has provided an updated Compliance Memo as a follow up to the June 3, 2022 memorandum.

Recommendation:

Planning Board Resolution 2022-18 is attached. For the revisions that were presented on April 21, 2022, the Planning Board found the proposed Development Agreement amendments to be in compliance with review criteria in Section 90-682 of the City of Key West Land Development Regulations.

**PLANNING BOARD
RESOLUTION NO. 2022-018**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 541 WHITE STREET (RE# 00006730-000200) TO CONSTRUCT 48 AFFORDABLE WORKFORCE HOUSING UNITS LOCATED IN THE HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL (HSMDR) ZONING DISTRICT, PURSUANT TO SECTIONS 90-689 AND 122-611 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS.


WHEREAS, the property at 541 White Street is located in the Historic Special Medium Density Residential (HSMDR) zoning district; and


WHEREAS, a major modification to the existing Major Development Plan at 541 White Street, commonly known as Peary Court, was submitted to the City and is moving together with this application through the City review and approval process; and

WHEREAS, Section 122-611(e) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) City of Key West, Florida (the “City) requires that, any development plan approval submitted for a property in the HSMDR zoning district shall be accompanied by a concurrent application for a development agreement; and

WHEREAS, the existing development agreement, “Development Agreement for the Peary Court Housing Complex” was approved by City of Key West Resolution No. 16-40; and

WHEREAS, the Development Review Committee reviewed the draft amendment to the development agreement and related documentation on December 16, 2021, and the agreement was revised to reflect staff comments; and





Planning Board Chair
Planning Director

WHEREAS, City Code Section 90-682(c) provides that the Planning Board shall review proposed development agreements and transmit its recommendations, along with the Development Review Committee's recommendations, to the City Commission; and

WHEREAS, this matter came before the Planning Board at a public hearing on February 17, 2022, however notice requirements were not sufficient the matter was renoticed and heard again at a duly noticed public hearing on April 21, 2022; and

WHEREAS, the Planning Board evaluated the request for an amendment to the development agreement pursuant to criteria included in Section 90-682; 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 fully set forth herein.

Section 2. That the amendment to the development agreement, pursuant to 90-689 and 122-611 of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows:

A request for approval of an amendment to a development agreement to construct 48 affordable workforce housing units in the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Sections 90-689 and 122-611 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

The full text of the amended development agreement now entitled, "Amended and Restated


_____ Planning Board Chair


_____ Planning Director

Development Agreement for the Peary Court Affordable Workforce Housing Complex”, is attached.

General Conditions:

1. The Conditions of Approval as provided in the Major Development Plan for Peary Court Development are applicable and binding to this Amendment to a Development Agreement.

Section 3. This resolution 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 to recommend a revision to an existing Development Agreement 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 or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period the DEO 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.



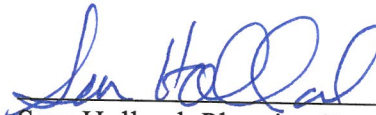
Planning Board Chair



Planning Director

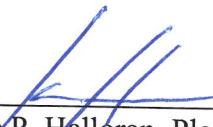
Read and approved at a regularly scheduled meeting held this 21st day of April 2022.

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




Sam Holland, Planning Board Chair 5/20/22
Date

Attest:





Katie P. Halloran, Planning Director 5/20/2022
Date

Filed with the Clerk:



Cheryl Smith, City Clerk 5/20/2022
Date
Keri O'Brien, Senior Deputy City Clerk



Planning Board Chair


Planning Director