

DEVELOPMENT REVIEW COMMITTEE

Tuesday, November 30, 2010

Meeting Minutes

The Development Review Committee of Monroe County conducted a meeting on **Tuesday, November 30, 2010**, beginning at 10:16 a.m. at the Marathon Government Center, Conference Room (2nd floor), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Joe Haberman, Development Review Manager	Present

STAFF MEMBERS:

Kathy Grasser, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Item 4 will be heard as Item 1.

MEETING

NEW ITEM:

1. REDUCTION OF IMPROVEMENT GUARANTEE BOND AMOUNT FOR KEY HAVEN ESTATES SUBDIVISION: Edwin O. Swift III of Key Haven Estates LLC and Rick Milelli, P.E., Project Engineer are requesting a reduction of the improvement guarantee bond amount for Key Haven Estates, LLC subdivision from the Director of Planning and upon recommendation of the Development Review Committee as authorized by Florida Statute 110-100 (b) of the Monroe County Code. The bond, if authorized by the Director of Planning and recommended for approval by the Development Review Committee will be reduced from \$5,492,819.51 to \$4,881,967.23.

Kathy Grasser presented the staff report and stated that once Townsley Schwab approved the extension of the bond and the reduction of the amount of the bond, Susan Grimsley will send it in to the insurance and bond companies and it will be effective until August 20, 2012. Ms.

Grasser said this request has been approved by Ms. Grimsley and Kevin Wilson, as the Key Haven cost estimate that was submitted justified this request.

2.SPOTTSWOOD PARTNERS INC. PROPERTY, OVERSEAS HIGHWAY (US 1), STOCK ISLAND, MILE MARKER 5: A request for approval of a major deviation to the site plan and major conditional use permit approved by Planning Commission Resolution #P32.05. The subject parcel is legally described as Square 29 and Block 26, Lots 5-16, part Lot 4, part Lot 17, Maloney subdivision (PB1-55), also known as Parcels A and B; a vacated portion of East Laurel Avenue; and a vacated portion of Fourth Street, Stock Island, Monroe County, Florida, having real estate number 00124140.000000.

Joe Haberman stated that there is no staff report for this major deviation to the site plan, and that it was only advertised for the DRC meeting because it is going to be advertised with the development agreement and staff wants to see if there is any public comment regarding this request. Don Craig, Planner, was present on behalf of the owner. Mr. Craig added that the number of units has changed and that the site plan approval and development agreement is necessary in order to move ahead with development. Mr. Haberman assured Mr. Craig that a staff report would be submitted ten days prior to the Planning Commission meeting, and stated that the request submitted seemed consistent with a major deviation request.

3.SPOTTSWOOD PARTNERS INC. PROPERTY, OVERSEAS HIGHWAY (US 1), STOCK ISLAND, MILE MARKER 5: A request for approval of a development agreement between Banyan Grove Development Corporation and Monroe County. The development agreement would allow the property owner to transfer market-rate Rate of Growth Ordinance (ROGO) exemptions associated with 51 previously existing, lawfully established dwelling units to another receiver site or sites in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units on the subject property or sender site. The development agreement is required as part of an affordable housing incentive program as set forth in Section 130-161.1 of the Monroe County Code. The subject parcel is legally described as Square 29 and Block 26, Lots 5-16, part Lot 4, part Lot 17, Maloney subdivision (PB1-55), also known as Parcels A and B; a vacated portion of East Laurel Avenue; and a vacated portion of Fourth Street, Stock Island, Monroe County, Florida, having real estate number 00124140.000000.

Joe Haberman stated that the three topics to be discussed are the County's suggested revisions not agreed to by the owners, phasing, and reserving the units by resolution as opposed to within the development agreement. Dog Craig, Planner, was present on behalf of the owner. Mr. Craig responded that multiple drafts of the development agreement have been submitted which address the different comments by County staff.

Mr. Craig commented that the owner's desire is to allocate all of the units at the "very low" and "low" end of affordable housing as opposed to allocating the units proportionally in the four categories. The phrase "a maximum of 60 percent of the median income" will be included in the development agreement to comply with the State criteria.

Mr. Craig informed the Committee that the proposed schedule has been submitted to the County and then outlined that schedule. Mr. Craig explained that "resolution" language was included in

his proposed development agreement, and then voiced his concern of being denied the tax credit financing due to not having affordable ROGO units allocated to the project. It was agreed that attaching the code language as an attachment to the development agreement was preferable as opposed to including the language within the agreement.

Mr. Craig requested that any final comments of County staff be submitted for inclusion in the final development agreement. Mr. Haberman agreed to do that. Mr. Craig reiterated his need to have all of the final approved documents from the County for the owner's housing finance application. Mr. Haberman explained Christine Hurley's request that the resolution be renewed every six months. Mr. Craig expressed his concern that the housing finance and building permit processes would extend past six months. Townsley Schwab requested a copy of Mr. Craig's proposed schedule for review.

Discussion was had regarding the use of the market rate ROGO allocations. Mr. Craig offered to shorten the time frame for use of the affordable ROGOs in the development agreement. Mr. Haberman explained the County's requirement to ensure the affordable units are in existence before the property owner receives the market rate ROGOs, as well as the concern of where the market rates go when they sunset. Mr. Craig agreed to include language in the development agreement that unused market rate allocations would revert back to the County, understanding that the applicant has the right to ask for an extension of the development agreement.

Mr. Schwab confirmed for Mr. Craig that the provision to borrow-forward allocations exists. Mr. Craig commented on the uncertainty of borrowing forward in the future.

Mr. Craig asked if there was public comment. Ron Miller asked who has discretion to deem all of these allocations "low" or "very low." Mr. Haberman explained that the Board of County Commissioners can adjust the allocations if necessary.

4.ROY'S TRAILER PARK, 6500 MALONEY AVENUE, STOCK ISLAND, MILE

MARKER 5: A request for approval of a development agreement between Roy's Trailer Park, Inc. and Monroe County. The development agreement would allow the property owner to transfer market-rate Rate of Growth Ordinance (ROGO) exemptions associated with 108 existing, lawfully established dwelling units to another receiver site or sites in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units on the subject property or sender site. The development agreement is required as part of an affordable housing incentive program as set forth in Section 130-161.1 of the Monroe County Code. The subject property is legally described as Lots 4-11 and 40-47, Square 46, Maloney Sub (PB1-55), Stock Island, Monroe County, Florida, having real estate number 00126090.000000.

Joe Haberman explained to Owen Trepanier, Planner, and Michael Browning, Property Owner, that a phasing plan was being requested by staff. Mr. Browning stated that a sender site has not been identified as of yet, but that the intention is to get the development agreement and then find an appropriate sender site. Mr. Browning feels that most residents of Roy's Trailer Park will qualify for affordable housing.

The number of units that the County currently has available in ROGO was discussed, and Mr. Haberman said there may be enough by the close of 2011 for this project and the Spottswood project, and that it may be possible to reserve half of them this year by resolution in an effort to allow both projects to go forward.

Mr. Trepanier stated that because it would be difficult to find 108 receiver sites, the owner is only looking to be entitled to 53, and once those were placed the owner would receive the other half. Mr. Browning understood that if they are not placed within ten years they would revert back to the County, and then stated working with less than five years would be difficult as far as the affordable units.

Mr. Haberman explained the conflict within the different parts of the code regarding reserving affordable units and the need to renew the owner's reservation of units every six months. The need for the phasing plan was again discussed. Mr. Haberman spoke about different ways of including the reservation of units within the development agreement.

Mr. Trepanier suggested addressing the two-for-one transferred units in the development agreement so as not to lose any units. Mr. Haberman agreed that the code is interpretable in that regard and discussed different ways of addressing that in the agreement. Mr. Browning stated that he was in agreement with the market rate units reverting back to the County after ten years as long as there is language in the agreement that the applicant may apply for an extension.

There was agreement that "Tier III lots" would not be used in the agreement and different language that could be used was discussed. Mr. Trepanier questioned the purpose of the requirement to keep the transferred units in the same sub-area. The different reasons for that were discussed.

The number of residents in the trailer park who would qualify for affordable housing was discussed. Mr. Browning said that he felt all the residents would qualify. Mr. Trepanier explained how this topic was re-worded in the proposed development agreement.

Mr. Haberman disagreed with changing the 99-year deed restriction language to 50 years. Mr. Browning stated that was fine. Mr. Trepanier questioned why the limiting of 20 units was expressed in the agreement and reminded Mr. Haberman of the financial constraints imposed by deed-restricting even a single parcel on the property. Mr. Haberman explained that would be addressed by resolution at the Planning Commission meeting and that this is another example of a conflict within the code.

Mr. Trepanier asked for assurance that the 53 allocations would be dedicated to this project. Mr. Haberman explained how this could be worked out through the phasing plan. Mr. Trepanier clarified that impact fees would not be paid on the affordable units because those impacts already exist. Mr. Haberman agreed to that language being put in the agreement.

Mr. Trepanier commented that this development agreement will preserve an intact community, which he feels is the intent of the code. Mr. Trepanier agreed to submit a revised version of the

development agreement to Mr. Haberman by the next day that incorporates the changes discussed.

Mr. Schwab asked for public comment. Ron Miller was present and questioned staff regarding the requirement of affordable housing when transferring market rates into a project with multiple units. Mr. Haberman explained the process of inclusionary housing. Existing paper rights were discussed.

Townsley Schwab moved to approve the minutes from the October 15, 2010 and October 18, 2010 meetings.

ADJOURNMENT

The Monroe County Development Review Committee meeting was adjourned at 12:09 p.m.