

Palmer Place Questions
Bee Ridge Neighborhoods Committee
Board of County Commissioners Public Hearing
Palmer Place DOCC and Rezone Petition No. 07-11
December 11, 2007

At the August Palmer Place hearing, the Bee Ridge Neighborhoods Committee submitted a 55 page booklet with a 2 page addendum that presented our concerns and recommendations. The applicant has since proffered some new and revised conditions to the Development Order, but neither the newly proffered conditions nor the staff's analysis of them have answered our questions. On the contrary, they have raised new questions.

BRNC continues to question the project's density, intensity, compatibility, affordability, and its benefit to the public. While we sincerely hope you will review all our previously submitted materials, we appreciate your time constraints and offer the following summary of important questions that must be answered.

1. **COMMERCIAL DEVELOPMENT** -- The Development Concept Plan/Binding Site Plan says, "Residential Development Areas may include any non-residential use allowed in the RSF3-3/PUD Zone District."

Question: Is Commercial Development allowed at Palmer Place?

Answer: [YES. If the Development Concept Plan/Binding Site Plan is approved, about 12 acres of commercial development would be allowed under Article 6.11.2, Zoning Ordinance.](#)

Question: Can the commercial development be constructed without holding another public hearing?

Answer: [YES. See Article 3.15.4, Zoning Ordinance.](#)

Comment: At the Neighborhood Workshop the applicant stated there would be no commercial component¹.

Recommendation: See page 8 of BRNC booklet (page K-84 in your 12-11-07 BCC Public Hearing Info Packet.)

2. **APARTMENT BUILDINGS** -- The Development Concept Plan/Binding Site Plan shows the affordable housing villages north of Iona Rd as "Single-family and Multi-family," and says, "The Residential Development Area may be any combination of Residential Housing Types or any other Residential Use allowed per Section 6.7 and 6.11.2 Zoning Ordinance."

Question: Are Four-story Apartment Buildings allowed at Palmer Place?

Answer: [YES. There is only one description of Multifamily in the Zoning Ordinance \(Article 6.7.14.a\), which is, "A multifamily structure on a single tract or parcel of land containing four or more units](#)

¹ see page C-3 of your 12-11-07 BCC Public Hearing Info Packet

sharing common walls, often with separate units by floor as well. Multifamily units may vary in height from two to four stories.”

Article 6.7.14.b says, “A multifamily dwelling is permitted in accordance with Section 6.5.3 when each unit is occupied by a single family.”

Article 6.5.3 defines the Permitted Housing Types in RSF District Development.

Recommendation: See page 8 of BRNC booklet (page K-84 in your 12-11-07 BCC Public Hearing Info Packet.)

3. **RENTALS** -- The newly proffered Housing Condition No. 3 says, “the Agreement shall state the... anticipated sales price or rental rate of each unit.”

Question: Are rentals allowed at Palmer Place?

Answer: **YES.** Rentals are allowed under Article 12, Zoning Ordinance.

The CHT’s 2008 Strategic Plan includes a plan to create rental units.

Comment: At the Neighborhood Workshop, the applicant and the CHT stated the CHT Palmer Place units would be owner-occupied².

The CHT has promoted the land-trust model and Palmer Place as a homeownership opportunity, saying, “Land-trust buyers are still better off than renters.”³

Recommendation: See page 51 of BRNC booklet (page K-107 in your 12-11-07 BCC Public Hearing Info Packet.)

4. **CASH SUBSIDY REQUIRED** -- To avoid Cost Burdening buyers with a Household Size of Four, the applicant stated the new Price Points would be \$135,000 for the 80% of AMI units, \$170,000 for the 100% of AMI units, and \$204,000 for the 120% of AMI units⁴.

Question: Are Down Payment Assistance Subsidies still required with the new Price Points?

Answer: **YES.** As long the Price Points are based on the AMI as Calibrated for a Family of Four, the majority of buyers will need cash subsidies.

Comment: At 80% of AMI a family of three can afford a \$117,000 unit.
At 80% of AMI a family of two can afford a \$98,000 unit.
At 100% of AMI a family of three can afford a \$147,000 unit.
At 100% of AMI a family of two can afford a \$124,000 unit.⁵

² see pages C-4 & 5 12-11-07 BCC Public Hearing Info Packet

³ see page 56 of BRNC Booklet (page K-106 in your 12-11-07 BCC Public Hearing Info Packet)

⁴ see BCC 08-29-07 scgov.net “Meetings on Demand” 8:36

⁵ see page 15 of BRNC Booklet (page K-71 in your 12-11-07 BCC Public Hearing Info Packet)

About 85% of targeted buyers are 1, 2, or 3 person households⁶.

If the average family size for Palmer Place is 2.5 persons⁷,
over \$23,000,000 will be needed for Initial Down Payment Assistance.

Question: Where will the funding for \$23 million in Down Payment Assistance Subsidies come from?

Recommendation: Deny approval of pricing scheme calibrated for family of four.

5. **ABOVE-AVERAGE INCOME BUYERS** – The applicant is proposing to meet his affordable housing overlay obligations by providing 248 units affordable to buyers with 120% of AMI.

Question: Should we be subsidizing housing for buyers earning above-average incomes?

Answer: **NO.**

Question: Should we subsidize market-rate CHT units?

Answer: **NO.**

Comment: More than 1,500 single-family detached houses, condominiums, and townhouses are currently listed at \$200,000 or less in the Sarasota County MLS.

Recommendation: See page 26 of BRNC booklet (page K-82 in your 12-11-07 BCC Public Hearing Info Packet.)

6. **QUALIFIED BUYERS** – CHT says “let’s not talk about family size” anyone with the income to buy a CHT unit is qualified to buy it⁸.

Question: Can a buyer earning 120% of AMI with a household size of one buy a unit that is priced to be affordable to households with incomes at 80% of AMI?

Answer: **YES. Article 12.1.1.d.2.iv states an eligible buyer’s housing ratio shall be no less than 27%. This buyer would be eligible with a housing ratio would 27.3%.**

Comment: Simply put, buyers earning 120% of AMI cannot be allowed to consume units that are in the 100% or 80% of AMI price category and buyers earning 100% of AMI cannot be allowed to consume units that are in the 80% of AMI price category.

Recommendation: Add a condition that prevents buyers in higher income categories from buying units priced for a lower income category.

⁶ see page 13 of BRNC Booklet (page K-69 in your 12-11-07 BCC Public Hearing Info Packet)

⁷ Sarasota County median household size is 2.12 & median household income is \$48,416, 2006 American Community Survey, U.S. Census Bureau

⁸ Martina Guilfoil testimony PC 07-12-07 scgov.net “meeting on Demand” 2:50 and email from Martina Guilfoil on page K-19 12-11-07 BCC Public Hearing Info Packet

7. **PERMANENT AFFORDABILITY**

Question: Are the Palmer Place CHT units affordable in perpetuity without ongoing subsidies?

Answer: **NO**⁹.

8. **PILOT PROJECT** – Palmer Place represents 25% of the existing nationwide stock of community land trust homeownership units¹⁰.

Question: Is it reasonable to commit to such a large scale pilot project?

Answer: **NO**.

Comment: The most successful community land trust, Burlington Community Land Trust, recently merged with another large land trust. Their combined portfolio contains just 400 homeownership units¹¹.

Question: What happens if the CHT units are not accepted by the target buyers? Does the parcel remain zoned as RSF-3?

Answer: **?**

Comment: Four land-trust single-family with sale prices under \$125,000 (\$100/SF is the median) have been on the market for months with no takers.

Recommendation: Deny approval of Palmer Place.

9. **TIMING OF CHT UNITS** – The applicant has proffered a phasing plan for the CHT units¹².

Question: Does the proffered condition require all the CHT units to be provided?

Answer: **NO**.

Comment: As written, the phasing plan requires the last 372 CHT units to be constructed prior to the issuance of a Building Permit for more than 744 market rate units. More than 744 market rate cannot be built because 744 is the maximum allowed under the rezone.

It is common practice for developers to retain a few building lots until long after the remainder of the project has been completed. Under this phasing plan the developer could plat a few lots less than the maximum and never be obligated to supply the final 50% of the CHT units.

⁹ Martina Guilfoil testimony PC 07-12-07 scgov.net “meeting on Demand” 3:00 and page 23 of BRNC Booklet (page K-79 in your 12-11-07 BCC Public Hearing Info Packet)

¹⁰ see page 28 of BRNC Booklet (page K-84 in your 12-11-07 BCC Public Hearing Info Packet)

¹¹ see page 29 of BRNC Booklet (page K-85 in your 12-11-07 BCC Public Hearing Info Packet)

¹² see C-1 Palmer Place supplemental information dated 11-30-07

Likewise, Article 12 of the Zoning Ordinance has no provision to require the final 50% to be delivered. The staff recommended condition does only slightly better.

Recommendation: This is essentially the same problem the county faces with during any land development. As a condition of plat approval, the developer must guarantee the completion of all subdivision improvements, such as paving, curbing, grading, filling, storm sewers, sanitary sewers, water systems, catch basins, headwalls pipe lines, etc. The county's current Surety Bond or Letter of Credit requirements for Subdivision Completion should be extended to include construction of the CHT Units that the developer is obligated to furnish as a condition of this rezone.

Otherwise, there is no adequate way to protect the public interest in this density for affordability bargain.

10. **PALMER BLVD.** – BRNC testimony and materials show Palmer Blvd. has 20-foot pavement width west of Webber Road¹³.

Question: Do either the newly proffered condition or staff's recommended changes widen the entire 20-foot pavement width segment of Palmer Boulevard?

Answer: **NO.**

Comment: A short bottleneck would result.

Recommendation: Require correction of the 20-foot wide segment west of Webber.

Question: Why does the staff recommended condition to correct Palmer Blvd. propose 11-foot wide travel lanes when the LDR require 12-foot travel lanes and the applicant has proffered the provide 12-foot travel lanes?

Answer: ?

11. **PROPORTIONATE SHARE AGREEMENT** – The applicant has proffered funding certain Proportionate Share Improvements. Staff recommends against including the Proportionate Share Improvements agreement.

Question: Will the proffered Proportionate Share Agreement mitigate the Palmer Place development's impact on the transportation system? If the Proportionate Share Improvements are constructed, will a failure of concurrency remain?

Answer: **YES¹⁴.**

¹³ see pages 34 &38 of BRNC Booklet (page K-90&-94 in your 12-11-07 BCC Public Hearing Info Packet)

¹⁴ see Palmer Place supplemental information dated 11-30-07

12. **ACCESS AT WEBBER ROAD** – The applicant proposes to construct only two of the three access points shown on the Development Concept Plan/Binding Site Plan. One is Webber Road, a dead-end street in a semi-rural residential district.

Article 3.14.2.e.2, Zoning Ordinance, states, “Planned developments shall be so located with respect to arterial streets, highways, collector streets, or other transportation facilities as to provide direct access to such planned developments without creating or generating traffic along minor streets in residential areas or districts outside the planned development.”

Question: Is Webber Road a minor street in a residential area outside the planned development?

Answer: **YES.**

It is a minor street. Street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress, regardless of the descriptive term used under the Zoning Ordinance. The Comprehensive Plan divides the road network into two broad categories: Local Roads and Thoroughfares, which are the collector roads, arterial roads, and expressways that are the subject of concurrency requirements. The County has not adopted a “significant local roads” designation¹⁵. The local road category has no subcategory designations¹⁶. If Webber Road, a dead-end street in a semi-rural area, is not a minor street, what is?

It is in a residential area. Webber Road was recently improved as a condition to the Regent Lake Conservation Subdivision rezone, a residential development. It was constructed using the Cross-sectional Standards for a Local Road in Residential Subdivisions under the LDR. It provides vehicular access to and from residential lots that directly abut it – all parcel have direct driveway connections-- and therefore is in a residential area.

Comment: Palmer Place has direct right of way access to Fruitville Road, it should be the second access point that is required under the LDR.

Recommendation: Deny use of Webber Road as an access point for Palmer Place.

Question: Isn't one of Heritage Oaks' access points on a minor residential street?

Answer: **NO. Its access to Coash Lane is only about 1,000 feet from Bee Ridge Extension and there are no direct driveway connections on Coash Lane.**

¹⁵ see page 6-6 Comprehensive Plan

¹⁶ email to BRNC from SC Planning & Development Services

13. **SCHOOL SITE** – The newly proffered Education Condition No. 4 states a 35 acre parcel within Palmer Place will be set aside to satisfy school concurrency.

Question: Where is the parcel located?

Answer: **It must be located on the Development Concept Plan/Binding Site Plan per Article 6.11.2.c.**

Recommendation: Deny approval until Development Concept Plan/Binding Site Plan n is revised to show all proposed uses.

Question: How does the school site affect density within Palmer Place?

Answer: **If the school is sited north of Iona Rd., the density in the affordable housing villages will increase from the current 8 units per acre to 11 units per acre¹⁷.**

Comment: 8 units per acre is too dense. Making it 11 units per acre is worse.

Question: Have the transportation impacts of a middle school within the PUD been investigated?

Answer: **NO.**

14. **INTENSITY** – Some inaccurate, incomplete, or misleading information was presented at the August BCC hearing.

Question: How many houses can be built using the parcel's current zoning?

Answer: **41.**

Question: What other uses are allowed under the parcel's Future Land Use designation?

Answer: **The applicant could request rezoning to Open Use Estate Conservation Subdivision with a maximum of 132 units.**

Question: Must the Greenway RMA be respected in a Conservation Subdivision?

Answer: **YES. Article 6.2.8, Zoning Ordinance, requires Conservation Subdivision Open Space to be configured with special attention to the Greenway RMA. As a Conservation Subdivision, the parcel would have over 200 acres of contiguous open space. That is a far greater opportunity to restore native habitats than the proposed 55 acres of reduced Greenway RMA¹⁸.**

¹⁷ currently there are 744 units on 95 acres = 7.8 d.u./acre. If 35 acres are removed from residential use, 656 CHT units will be constructed on 60 acres = 10.9 d.u./acres.

¹⁸ the unreduced 2050 Greenway RMA on the parcel is 114.82 acres. see page 5 of BRNC Booklet (page K-61 in your 12-11-07 BCC Public Hearing Info Packet)