

# MINUTES

## KEY COLONY BEACH

### PLANNING AND ZONING BOARD

Regular Meeting and Variance Hearing

Wednesday, March 17, 2021 9:30 a.m.

Marble Hall & Virtually via Zoom Conferencing

**Call to Order, Pledge of Allegiance and Roll Call:** The regular meeting of the Key Colony Beach Planning and Zoning Board was called to order by Chairperson Raspe at 9:30 a.m. followed by the Pledge of Allegiance.

Present: Chairperson Joey Raspe, Vice-Chair Trudy Troiano, George Lancaster, Cheryl Boehm, Alternate Ron Anderson, and Tom DiFransico. Also Present: Attorney Gaelan Jones, City Clerk Rebecca Todd, Assistant City Clerk Holly Rosado, Administrative Assistant Christine Burri, Building Official Roussin, and Building Inspector Lawton.

Excused: Executive Assistant Saara Staten, City Attorney Dirk Smits, and Alternate Steve DeCrow.

Public: 36 (Marble Hall) 83 (Virtually)

**Approval of Minutes:** February 17, 2021 Planning & Zoning Meeting.

**MOTION:** Motion made by George Lancaster, seconded by Trudy Troiano to approve the minutes for February 17, 2021 Planning & Zoning Meeting.

**ON THE MOTION:** Roll Call Vote. Unanimous Approval.

### **Variance Requests**

**Swear in Witnesses to Testify:** City Clerk Todd asked all persons giving testimony in the variance request to stand and raise their right hand. She asked all to swear the testimony they will give is the truth, the whole truth, and nothing but the truth. All replied I do.

**Notice of Ex-Parte Communication:** George Lancaster reported discussions with staff, citizens, and legal counsel. Trudy Troiano reported discussion with Building Official Roussin and legal counsel regarding building specifications and legalities. Tom DiFransico reported receiving correspondence from citizens regarding 721 West Ocean Drive.

**Proposed Development Agreement – 400 Sadowski Causeway:** Chairperson Raspe announced the Developer of 400 Sadowski Causeway removed this item from this agenda.

**Proposed Development Agreement – 721 West Ocean Drive:** Chairperson Raspe recused himself from this discussion due to his wife's involvement with the property.

**1. Applicant Presentation:** Attorney Barton Smith introduced the project to the Board, Staff, and residents. The Development Agreement requested up to 27 units although the conceptual design being considered included only 24 units. The conceptual design included two buildings, three stories over parking, pool, landscaping, beach, and pier renewal, with the maximum height of 3 stories and 45 feet. The size of the property is approximately 4 acres with 2 acres of upland located in Zoning District R-3. Mr. Smith proceeded by describing the neighboring properties. Castillo del Sol is to the West of the property. Castillo del Sol is a 30-unit condo, three stories over parking, and 53 feet in height. Another Condo East of the property includes 15-units, three stories, and ground level entry. Mr. Smith reviewed the historical facts of the property. Mr. Smith stated it his legal determination that Land Development Regulations Section 101-190 Non-Conforming Use is inapplicable and further explained and referenced local code and State statute. Developer Jerry Ong, 500 11<sup>th</sup> Street, presented the footprint of the project superimposed on the site. Architect Ron Wiendl continued the presentation of Marabella Oceanfront. Vice Chair Troiano reported inconsistencies in the Tabulation Table. The figures are based on 4 acres, which includes the 1.92 bottom bay property which is not buildable because it is not upland. Therefore, changing the site area to 2.09 acres also changes the density and many other figures. Vice Chair Troiano stated the side yard setback for an R-3 building with combined

lots is not 15 feet, it is 10% of the width of all the lots which would be 22.5 feet. Therefore, a variance of 12.5 feet variance would be needed rather than a 5-foot variance on all sides. Vice Chair Troiano questioned how many more feet the mechanicals and elevator shaft would add since they are going to be placed on the roof. The developer responded no more than 4-5 feet and with exception to the elevator overrun, the mechanicals can be moved. George Lancaster questioned whether Castillo del Sol was measured from the center of the road or the base of the property. It was measured from the base of the property. Building Official Roussin stated Castillo del Sol is the building that caused the Land Development Regulations change in how to measure base foot. Building Official Roussin reported the plans for Castillo del Sol shows from the center of the road to the center of the roof the building is 40 feet tall.

**2. Building Official Presentation:** Building Official Roussin presented the timeline and recommendation for the demolition and possible rebuild of 721 West Ocean Drive. According to the Land Development Regulations, the current density of the property allows 15-16 units. Building Official Roussin recommended allowing 22 units over three lots. Building Official Roussin did not make an official recommendation on building height. Building Official Roussin disagreed with Attorney Smith's position on Land Development Regulations Section 101-190 Non-Conforming Use.

**3. Public Comment:** Sally Cherry, 601 West Ocean Drive #413D, thanked the Developers for the informative presentation. Ms. Cherry expressed concern with the possibility of shared amenities with the Sadowski Causeway development. Jerry Ong stated they are no longer considering the shared amenities and assured all the beach will be private for Marabella Oceanfront owners only.

John Siegenthaler, 601 West Ocean Drive, cautioned against comparing this new development against Castillo del Sol's height because of density. Mr. Siegenthaler also commented on the variances needed for the potential development of Marabella Oceanfront and suggested the developers use the prior footprint rather than changing it and needing variances.

Linda Kutzbach, 755 West Ocean Drive #9, expressed how pleased she is with the proposed property and encouraged the Board to expedite the process.

Sheree Rheinhardt, 601 West Ocean Drive #107C, expressed appreciation for both presentations by Staff and Developers and echoed Mr. Siegenthaler's comment regarding designing to conform with Code.

Peter Mannix, 23-year Key Colony Beach visitor, stated he has had the pleasure to watch the development of Key Colony Beach over the years and admires Key Colony Beach local government. Mr. Mannix expressed concerns with the proposed variances needed to complete the project and urged the Planning & Zoning Board not to move forward with the current proposed project.

Mike Yunker, Property Manager of Castillo del Sol and representative of the owners and the Board of Directors of Castillo del Sol, reported nothing but positive comments regarding the proposed property. Mr. Yunker stated he measured Building E from the gutter to the peak of the roof indicating Castillo del Sol is 53 feet in height. Castillo Del Sol supports the project and encourages the Planning and Zoning Board to approve the project.

Mary Ann Royce, Board Member and owner at Oceanfront Condominium, expressed support of the project and confirmed to residents that their properties were non repairable and clarified why a variance was requested. Ms. Royce encourages residents to support the preservation of the 22 prior units in the new property.

Stanley Friend, 601 West Ocean Drive #111C, expressed appreciation for the presentation today and urged the Board to approve a development within the current Land Development Regulations.

Eduardo Alcaine, 601 West Ocean Drive #405A, recommended the Board not approve a development outside the current Land Development Regulations and expressed concern with the proposed Marina.

Walter Sonsett, owner and board member of Oceanfront Apartments, discussed variances and urged residents and the Board to approve the proposed development of Marabella Oceanfront.

Gary Furtak, 150 10<sup>th</sup> Street, expressed dissatisfaction with 400 Sadowski Causeway being removed from the agenda.

**4. Board Discussion:** Board Member Tom DiFransico questioned whether there was a redlined version of the Development Agreement. Attorney Jones confirmed there is a redlined version of the Development

Agreement outlining the City's legal counsel concerns, however after review and discussion, Mr. Smith did not agree with the legal analysis regarding height, setbacks, and density and proceeded by presenting the original Development Agreement to the Planning & Zoning Board. Tom DiFrancisco and Vice Chair Troiano expressed concern with some language in Development Agreement. The Planning & Zoning Board did not agree with the language excluding Marabella Oceanfront from Key Colony Beach rental regulations and the Developer's position that the property is grandfathered in to allow more units than the current Land Development Regulations allow. Mr. Smith agreed to go through the variance process regarding density, height, and setbacks if needed. After discussion, the Planning & Zoning Board agreed with Building Official Roussin's reasonable recommendation to allow 22 units across the three lots, 42-45 feet in height including any mechanicals, and consider setbacks at a later stage of development. The Planning & Zoning Board Members will individually send City Attorney Smits and Attorney Jones their concerns regarding the Development Agreement and Key Colony Beach legal counsel will confer with Attorney Smith regarding those and send a revised Development Agreement to the Planning & Zoning Board. Attorney Jones made the Board Members recommended changes to the Development Agreement part of the record.

**MOTION:** Motion made by George Lancaster, seconded by Cheryl Boehm to forward the recommendations to the City Commission with the contingencies reached by the Planning & Zoning Board at the hearing.  
**ON THE MOTION:** Roll Call Vote. Unanimous Approval.

**Any Other Business:** None.

The meeting adjourned at 12:11 p.m.

Respectfully Submitted,

Saara V. Staten (on behalf of City Clerk Rebecca Todd)  
Executive Assistant