

MINUTES

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, April 20, 2023 – 9:30 a.m.

Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach
& Virtually via Zoom Conferencing

1. ***Call to Order, Pledge of Allegiance, Prayer, Roll Call:*** *The Key Colony Beach City Commission Public Hearing was called to order by Mayor Trefry at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Vice-Mayor Ramsay-Vickrey, Commissioner Harding, Commissioner Foster, Commissioner Raspe, Mayor Trefry. **Also Present:** City Administrator Dave Turner, Fire Chief Mike Card, Building Official Lenny Leggett, Police Chief Kris DiGiovanni, Police Corporal Jamie Buxton, Code Enforcement Officer Barry Goldman, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Attorney Dirk Smits, City Attorney Roget Bryan.*

Public Attendance: 17

2. ***Agenda Additions, Changes & Deletions:*** *None.*
3. ***Administration of Oath to Witnesses:*** *City Clerk Gransee administered the Oath of Witness to all planning to testify.*
4. ***Citizen Comments and Correspondence:*** *None.*
5. ***Disclosure of Ex-Parte Communications:*** *None.*
6. ***Discussion/Approval of a Development Agreement with Garrison Bight Marina Inc, 300/400 Sadowski Causeway, Key Colony Beach:***
 - a. ***Proof of Legal Publications & Affidavits of Mailing/Posting:*** *Included in the agenda packet.*
 - b. ***Presentation of the Development Agreement:*** *Planning & Zoning Chair George Lancaster spoke to the Commission on the Recommendations from the Planning & Zoning Board and suggested stipulations.*
 - c. ***Statement by Applicant/Applicant's Representative:*** *Jim Figuerado, owner of Garrison Bight Marina, addressed the Commission on his visions for the marina, restaurant, and retail businesses.
City Administrator Turner spoke to the Commission in support of the development agreement.*

d. Planning & Zoning Board Recommendation: See under b.

e. Commissioner Comments: Commissioner Raspe applauded the owner for his efforts on improving the property but voiced concerns against vacation rentals. Commissioner Raspe gave thoughts on the location of the slips, employee, and long-term housing, and worries on transient housing.

Mayor Trefry elaborated on Commissioner Raspe's comments and gave input on the units square footage and allowable occupancy. Mayor Trefry gave concerns on verifying square footage and asked for documentation from the manufacturer on square footage of the house boats.

Commissioner Raspe continued addressing concerns on existing slips in the residential area and the preferred use of the slips for employee or long-term housing, available parking spaces, and overall concern on the use for vacation rentals.

Vice-Mayor Ramsay-Vickrey thanked the staff for addressing questions and concerns, and stated appreciation for the applicants plan redevelopment. Vice-Mayor Ramsay-Vickrey gave thoughts on landscaping needs along the Causeway to which the applicant agreed.

Commissioner Harding thanked the owner for the proposal and asked about the availability of the boat ramp to residents. The applicant confirmed the use for a fee. Commissioner Harding gave further thoughts on timelines for the application site plan and applicable permits.

Commissioner Foster voiced agreement with Commissioner Harding and gave questions on liveboards and the overall allowable number of boats. The applicants attorney clarified the timeframe on transient boats to be in accordance with the city's code in addition to the liveboards. City Attorney Bryan gave information on land-use perspective, residential density, and short-term regulations rentals versus long term rentals.

City Administrator Turner stated agreement with City Attorney Bryan and gave information on hurricane evacuations procedure.

The applicant thanked the Commission for all comments and suggested a compromise on the overall number of liveboards and the number of vacation rentals and employee housing.

Commissioner Raspe stated this to be a good compromise and gave additional input on the challenges of vacation rentals. The applicant spoke on the point made and expressed flexibility in his views.

Mayor Trefry expressed the importance of a good relationship and concerns on square footage, occupancy, and parking. The applicant gave solutions to the raised concerns including assigned parking and terms in the contract.

Fire Chief Mike Cart asked on available fire suppression and fire alarms on the houseboats and gave concerns on fire safety. The applicant confirmed the houseboats to have smoke alarms and having passed vacation rental requirements.

The applicant gave additional information on hurricane preparations procedures.

Vice-Mayor Ramsay-Vickrey expressed support on the compromise on workforce housing and vacation rentals and asked on hurricane evacuation procedures for work-force housing. City Attorney Bryan explained this to take a degree of cooperation and possible lease provisions for evacuations.

Commissioner Raspe explained his understanding on workforce housing and his opinion for the owners employees to have priority.

Vice-Mayor Ramsay-Vickrey asked on possible stipulations on workforce housing. City Attorney Bryan explained requirements for public hearings and the applicants ability to work with attorneys and informing on the local government not regulating ownership and business model. The applicant explained his support and concerns on possible stipulations.

Commissioner Foster voiced concerns on business regulations and stated not to be in favor of the Commission regulating a business.

Commissioner Harding agreed to limitations on what the government should be doing.

Mayor Trefry asked for further comments from the Commission and Staff.

City Attorney Smits asked for a consensus on agreement to the propositions that were given.

City Attorney Bryan clarified the previously raised question on timelines for permits.

The applicant stated to wait for 12 month until bringing in vacation boat rentals or until the certificate of occupancy is issued for the restaurant. The applicant further confirmed the allowable time for transient slips to be 36 hours.

f. Motion to Approve, Deny, or Approve with Conditions: *Mayor Trefry asked for a motion to approve, deny, or approve with conditions the development agreement with Garrison Bight Marina.*

MOTION: *Motion made by Vice-Mayor Ramsay-Vickrey to approve with the following conditions.*

- 1. A maximum height not to exceed 43 feet.*
- 2. The restaurant square footage in the agreement to be corrected to 3581 square feet as noted on the site plan.*
- 3. The number of liveboards changed to 7 liveboard vacation rentals and 7 liveboard workforce housing.*

Mayor Trefry asked for a second. Commissioner Raspe seconded the motion.

DISCUSSION: *Discussion followed on clarification of workforce housing, income restrictions, priorities for applicants employees, time frame on when vacation rentals are starting, and assignability. Mayor Trefry asked for clarification on the motion and for Vice-Mayor Ramsay-Vickrey to withdraw.*

ON THE MOTION: *Vice-Mayor Ramsay-Vickrey withdrew her motion.*

MOTION: *Motion made by Vice-Mayor Ramsay-Vickrey to approve with the following five conditions.*

- 1. A maximum height not to exceed 43 feet.*
- 2. The restaurant square footage in the agreement to be corrected to 3581 square feet as noted on the site plan.*
- 3. No more than seven (7) liveboard vacation rentals and seven (7) liveboard workforce housing units.*
- 4. No liveboards should be brought on board for 12 month or until the certificate of occupancy has been issued for the restaurant.*
- 5. Unassignable without consent.*

Vice-Mayor Ramsay-Vickrey confirmed the number 4 clause to apply to vacation rentals and workforce housing.

Mayor Trefry asked for a second. Commissioner Raspe seconded the motion.

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

The applicant thanked the Commission.

City Attorney Bryan informed of the Second and Final Public Hearing to be held on May 18th, 2023, at 9:30 am.

7. Other Business

8. Adjournment: *The meeting adjourned at 10:14 am.*

Respectfully Submitted,

Silvia Gransee

City Clerk

ADOPTED: *May 18th, 2023*

Silvia Gransee

City Clerk