

MINUTES

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, May 18, 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 Public Hearing was called to order by Mayor Trefry at 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Vice-Mayor Beth Ramsay-Vickrey, Commissioner Tom Harding, Commissioner Freddie Foster, Commissioner Joey Raspe, Mayor Patricia Trefry. **Also present:** City Administrator Dave Turner, Fire Chief Mike Card, Building Official Lenny Leggett, Police Chief Kris DiGiovanni, City Attorney Dirk Smits, City Attorney Roget Bryan (virtual), City Clerk Silvia Gransee, Code Enforcement Officer Barry Goldman, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson.

Public Attendance: 16

2. Agenda Additions, Changes & Deletions: None.

3. Approval of Minutes from the 04-20-2023 City Commission Public Hearing: Mayor Trefry accepted the minutes as written with no objections from the Commission

4. Administration of Oath to Witnesses: City Clerk Gransee administered the Oath of Witness to all planning to testify.

5. Citizen Comments and Correspondence: There were no citizen comments nor correspondence pertaining to the Public Hearing.

6. Disclosure of Ex-Parte Communications: None.

7. VARIANCE REQUEST: 260 9th Street, Shawn M. & Donna Saban Ogni: Applicant requests a variance to the City of Key Colony Beach Code of Ordinances Chapter 101, Section 26 (11), to allow the installation of a pool within the 10' setback to 5'. Current setback requirements are 10' feet.

a. Proof of Legal Publications & Affidavits of Mailing/Posting: Included in the agenda packet.

b. Presentation of Variance Request: Building Official Leggett spoke on the variance request to the Commission.

c. Statement by Applicant: None.

d. Planning & Zoning Board Recommendation: Mayor Trefry informed that Planning & Zoning Board Chair George Lancaster was available via Zoom for questions.

Commissioner Harding questioned George Lancaster if a review on setback changes should be held. George Lancaster agreed with the suggestion.

City Administrator Turner stated that duplex lots should be looked at.

e. Planning & Zoning Board Meeting Minutes from 04-19-2023: Included in the agenda packet.

f. Motion to Approve, Deny, or Approve with Conditions: Mayor Trefry asked for a motion to approve, deny, or approve with conditions, the variance for 260 9th Street.

MOTION: Motion made by Vice-Mayor Ramsay-Vickrey to approve the variance.

Commissioner Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. SECOND/FINAL PUBLIC HEARING on the Discussion & Approval of a Development Agreement with Garrison Bight Marina Inc, 300/400 Sadowski Causeway, Key Colony Beach:

Applicant requests approval of a Development Agreement pursuant to Chapter 101 of Land Development Regulations Article XII, Section 101-176, seeking approval for redevelopment of an existing marina property. The project combines the two (2) properties located at 400 Sadowski Causeway and adjacent 300 Sadowski Causeway, Key Colony Beach into one property (the "Property") that will continue to operate a marina facility as its principal use. The proposed marina facility would comprise (a) a marina and ship store, (b) live-aboard vessel slips and other temporary docking facilities, (c) redevelopment of one (1) ~~3,894~~ **3581** sq. foot restaurant and (d) renovation of existing commercial 6,465 sq. ft building on the Property. New Restaurant will be tiki style construction and new finished floor will meet current flood zone regulations. The maximum height of structures on the property shall be ~~40~~ **43** feet in accordance with building plans and permits issued by the City. The unified Property is zoned B-1 Neighborhood Business District and comprises approximately 1.75 acres with a maximum allowable density of 8 units per acre. The request was submitted by Greg Oropeza, Esq., Oropeza, Stones & Cardenas, 221 Simonton Street, Key West, Florida 33040.

a. Proof of Legal Publications & Affidavits of Mailing/Posting: Included in the agenda packet.

b. Presentation of the Development Agreement: City Attorneys Roget Bryan and Dirk Smits spoke on the development agreement and agreed upon changes that were made, including the additional proffer on occupancy on liveaboard vessels.

c. Statement by Applicant/Applicant's Representative: The Developer, Jim Figuerado, spoke to the Commission on concerns with occupancy requirements for workforce housing. Mayor Trefry explained vacation rental occupancy requirements and gave concerns on

workforce housing and vacation rentals, and asked the developer to agree to provide the houseboat plans to verify the occupancy. Mayor Trefry stated to believe that these requirements were included in the proffer. The Developer gave some concerns about the workforce housing but stated not to want to make any changes. Mayor Trefry further spoke on the agreement to adhere to the City's Code of Ordinances. City Attorney Bryan addressed concerns.

Commissioner Raspe spoke on manufacturers' numbers and the City's requirements on occupancy. City Attorney Smits confirmed for the Developer to agree with the Cities Ordinances. Mayor Trefry voiced concern on not able to see the houseboat plans. Commissioner Raspe agreed and stated the importance of measuring the square footage.

d. Review of Planning & Zoning Recommendation and First Public City Commission Hearing: Included in agenda packet.

e. Commissioner Comments:

Commissioner Raspe asked for confirmation that the vacation rental and affordable workforce housing houseboats will not be in place for a 12 month period until the CO for the restaurant is given. The Developer confirmed the statement.

Commissioner Foster had no comment.

Commissioner Harding had no comment.

Vice-Mayor Ramsay-Vickrey had no comments.

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 the agreement with the conditions as stated by the Attorney. Commissioner Raspe seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Resolution No. 2023-05: A Resolution Of The City Commission Of Key Colony Beach, Florida Approving A Development Agreement Pursuant To Chapter 163, Florida Statutes, Between The City And Garrison Bight Marina, Inc., For The Property Located At 300/400 Sadowski Causeway, Key Colony Beach With Real Estate Numbers 00079371-000200 And 00079371-000100; Authorizing The Appropriate City Officials To Implement The Terms And Conditions Of The Agreement; Authorizing The Mayor To Execute The Agreement And Any Other Required Documents; And Providing For An Effective Date.

Mayor Trefry provided the reading of Resolution No. 2023-05 and asked for a motion to approve.

MOTION: Motion made by Commissioner Foster to approve the Resolution. Vice-Mayor Ramsay-Vickrey seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. Other Business: None.

11. Adjournment: The meeting adjourned at 9:48 am.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: June 15, 2023

Silvia Gransee

City Clerk