

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, April 19, 2023 - 9:30 a.m.
Key Colony Inn Banquet Room & virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance & Roll Call: *The Regular Meeting and Public Hearing of the Key Colony Beach Planning & Zoning Board was called to order by Chair Lancaster at 9:30 am followed by the Pledge of Allegiance and Rollcall. Present: Chair George Lancaster, Vice-Chair Tom DiFransico, Bob Glassman, Mike Yunker. Absent: Lin Walsh. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, Building Official Lenny Leggett, City Attorney Roget Bryan, City Attorney Janette Smith (virtual).*

Public Attendance: 2

2. Agenda Additions, Deletions, or Changes: *None.*

3. Citizen Comments & Correspondence: *None.*

4. Approval of Minutes: *The Planning & Zoning Board Meeting Minutes from January 18, 2023, were adopted by motion.*

MOTION: *Motion made by Tom DiFransico to adopt the Planning & Zoning Board meeting minutes from January 18, 2023.*

DISCUSSION: *None.*

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

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

6. Disclosure of Ex-Parte Communication: *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 presented the Variance Request to the Board and informed that similar requests have been approved in the past. The Building Official further confirmed that the property in question is not part of the recently approved Ordinance on pool side setback changes. Building Official Leggett stated that the Building Department has no reason not to approve the requested variance and confirmed that neighbors are in support. Discussion followed on the location of the pool, possible alternative locations, and dimensions.*

c. Statement by Applicant: *The Applicant's representative was not present.*

d. Applicant Questions & Responses: *Chair Lancaster read the Applicants 'Questions and Responses'.*

e. Post Hearing Questions: *City Clerk Gransee read the Post-Hearing questions.*

1.) Has the applicant shown good and sufficient cause to grant the variance?

Mike Yunker Yes
George Lancaster Yes
Lin Walsh ****absent****
Tom DiFransico Yes
Bob Glassman Yes

2.) Will denial of the variance result in unnecessary hardship to the applicant?

Bob Glassman Yes
George Lancaster Yes
Lin Walsh ****absent****
Tom DiFransico Yes
Mike Yunker Yes

3.) Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?

Lin Walsh ****absent****
Bob Glassman Yes
Tom DiFransico Yes
Mike Yunker Yes
George Lancaster Yes

4.) The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district.

Tom DiFransico Yes
Mike Yunker Yes
Bob Glassman Yes
George Lancaster Yes
Lin Walsh ****absent****

5.) Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood?

Mike Yunker Yes
George Lancaster Yes
Lin Walsh ****absent****
Bob Glassman Yes
Tom DiFransico Yes

Discussion followed on the number of side setback pool variances approved in the last year and the reason behind not all zones having the same regulations.

f. Planning & Zoning Board Recommendation: Chair Lancaster asked for a motion.

MOTION: Motion made by Mike Yunker to recommend for the requested variance for 260 9th Street to be approved. Bob Glassman seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Final Recommendation: The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested variance for the property at 260 9th Street to be approved.

8. DEVELOPMENT AGREEMENT REQUEST by Garrison Bright Marina Inc, 300/400 Sadowski Causeway, Key Colony Beach:

Applicant requests approval of a Development Agreement pursuant 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 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~~ 45 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 Development Agreement: City Administrator Turner introduced the agenda item to the Board.

City Attorney Roget Bryan introduced himself to the Board and informed on having had conversations with individual Board Members to answer questions on the topic. City Attorney Roget continued explaining that the Development Agreement will be presented at two City Commission Public Hearings with two separate readings according to statute.

City Attorney Bryan explained and clarified details of the agreement including the site plan, square footage, number of liveaboards, and the maximum height.

c. Statement by Applicant: The applicant introduced himself to the Board and explained his future plans for the property.

d. Discussion: City Attorney Bryan and the applicants representatives answered questions on the terms of the development agreement, maximum height, and flood level requirements. The Board continued asking questions on aesthetics and height, the site plan, outside seating, elevation questions, and weekly rentals vs. long-term rentals which were answered by the City Attorney, the City Administrator, and the applicants

representative.

Discussion continued on short-term vacation rentals, occupancy restrictions per vessel and bedrooms, number of maximum liveaboard vessels, and additional boats being allowed for a short period of time. The Board continued asking questions on pump-out requirements, preparations in case of a hurricane, and water integrity of the vessel.

The Board continued asking questions on future plans for the Dive Center and anticipated renovations for the strip center including landscaping, the number of stories, elevation requirements for the AE-7 flood zone, elevation of the restaurant, parking, fuel tanks, location of the kitchen, and the availability of a liquor license.

Chair Lancaster asked the Board on discussion for a recommendation of approval. Discussion followed on a maximum height with the applicant's Architect giving input on suggested maximum heights. City Attorney Bryan informed of current code restrictions and the applicant falling within the code. Discussion continued on suggested maximum height restrictions, approved Land Development Regulations, and approved building heights by Code.

The applicants representative suggested 43 feet as a compromise for the maximum building height and confirmed the maximum height would apply to the Restaurant Tiki for the roof pitch and water shed.

e. Planning & Zoning Board Recommendation: Chair Lancaster asked for a motion.

MOTION: Motion made by Tom DiFransico to recommend for the Development Agreement for 300/400 Sadowski Causeway to be approved as written with two recommended (2) modifications. Mike Yunker seconded the motion.

1. Term of the agreement is set for 5 years.
2. Maximum height not to exceed 43 feet.

DISCUSSION: Discussion followed on an amendment to the motion.

AMENDED MOTION: Amended motion made by Tom DiFransico to include two (2) additional modifications. Mike Yunker seconded the amended motion.

1. The square footage for the restaurant referenced in the agreement is corrected from 3894 to 3581 as reflected on the site plan.
2. No more than 10 live-aboard vessels.

FURTHER DISCUSSION: Additional discussion followed on square footage.

ON THE MOTION: Rollcall vote. Unanimous approval.

Recommendation: The Planning & Zoning Board recommends to the City of Key Colony Beach Board of Commissioners for the requested Development Agreement for the property at 300/400 Sadowski Causeway to be approved as written with the following four (4) modifications.

1. Term of the agreement is set for 5 years.
2. Maximum height not to exceed 43 feet.
3. The square footage for the restaurant referenced in the agreement is corrected from 3894 to 3581 as reflected on the site plan.
4. No more than 10 Live-Aboard Vessels.

9. Discussion/Approval: Recommendation to the City Commission to amend the Schedule of Violations and Penalties as set forth in in Ordinance No. 2021-467 adopted October 28, 2021: City Administrator Turner introduced the agenda item and explained the reasoning for the Planning & Zoning Board to review the agenda item. Vice-Chair DiFransico raised the question on increasing penalties for recurring violations. City Attorney Smith explained statutory requirements for repeat violations and the reason why the fee is being lowered.

City Administrator Turner explained progressive discipline for repeat violations in addition to monetary fines.

Chair Lancaster asked for a motion.

MOTION: *Motion made by Mike Yunker to recommend the approval of the revised Schedule of Violations and Penalties. Tom DiFransico seconded the motion.*

DISCUSSION: *None.*

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

10. Other Business: *Vice-Chair DiFransico asked for a review of the adopted Comprehensive Plan at the next meeting.*

11. Adjourn: *The meeting adjourned at 10:23 am.*

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: *May 17th, 2023*

Silvia Gransee

City Clerk