

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, December 20, 2023 - 9:30 a.m.

Key Colony Inn Banquet Room, located at 700 W. Ocean Drive, Key Colony Beach, Florida 33051
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance & Roll Call:** *The Key Colony Beach Planning & Zoning Board Meeting was called to order by Chair George Lancaster at 9:30 am followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Bob Glassman, Lin Walsh, Mike Yunker. **Also present:** Assistant City Attorney Scott Black, Building Official Lenny Leggett, Building Assistant Karl Bursa, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.*

Public Attendance: 2

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

3. **Citizen Comments & Correspondence:** *None.*

4. **Approval of Minutes:**

*a. **Planning & Zoning Board Meeting Minutes August 16, 2023:** Chair Lancaster asked for any changes or corrections to the minutes. There were none and Chair Lancaster accepted the changes as written.*

5. **Discussion/Approval on recommendation of appointment of Douglas Colonell to the Planning & Zoning Board:** *Chair Lancaster asked for Board Member comments on the recommendation of appointment of Douglas Colonell to the Planning & Zoning Board. Mike Yunker spoke on the applicant having a construction background and supported the recommendation of appointment. Chair Lancaster gave support for the recommendation also and asked for a motion to approve.*

***MOTION:** Motion made by Mike Yunker to recommend the appointment of Douglas Colonell to the Planning & Zoning Board. Bob Glassman seconded the motion.*

***DISCUSSION:** None.*

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

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

7. **Disclosure of Ex-Parte Communication:** *None.*

8. **Variance Request - 501 E. Ocean Drive "Key Colony Beach Club" – Owners: Key Colony Beach Club Inc:** *Applicant requests a variance to the City of Key Colony Beach Land Development Regulations Chapter 26, Section 101, to rebuilt two Tiki/Chickie Hut structures to replace structures that were destroyed in Hurricane Irma. This is the last phase of the rebuild in the original Buildings footprint for the Key Colony Beach Club. The original structures were in the 100' setback from the ocean*

Chair Lancaster introduced the Variance Request and asked for the Building Department to continue the presentation.

*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 requested variance and presented the matter to the Board. Building Official Leggett explained the requested setbacks, previous footprint and proposed locations of the structures. Building Official Leggett confirmed for the proposed structures to be relevant close to*

the footprint of the previous ones.

c. Statement by Applicant: *Bob Kenny, Board member of the Key Colony Beach Club, spoke to the Planning & Zoning Board as the representative of the applicant and informed of rebuilding plans after Hurricane Irma, approved engineering plans, approval by the Florida DEP, and a positive opinion of no impact to turtles. Bob Kenny further informed on setbacks and dimensions of the proposed Tiki Huts to be open 16x20 units. Building Assistant Bursa clarified the setback requirements to be following the land regulations per the City Code of Ordinances. Building Official Leggett informed for the Building Department to be impartial in a recommendation but not to raise any objections to an approval.*

d. Applicant Questions & Responses: *Chair Lancaster read the applicants questions. Mike Yunker read the applicants responses.*

Lin Walsh asked for clarification on the requested setback. Bob Kenny stated for the setback on the east side to fall within 80 feet and for the west side structure to be closer. Bob Kenny further stated for the structures to be able to moved back further on one side if necessary and explained the location of the proposed structures on the provided map.

There were no other questions.

e. Post Hearing Questions: *Chair Lancaster provided the reading of the Post Hearing Questions.*

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

<i>Mike Yunker</i>	<i>Yes</i>
<i>George Lancaster</i>	<i>Yes</i>
<i>Lin Walsh</i>	<i>Yes</i>
<i>Bob Glassman</i>	<i>Yes</i>

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

<i>Bob Glassman</i>	<i>Yes</i>
<i>George Lancaster</i>	<i>Yes</i>
<i>Lin Walsh</i>	<i>Yes</i>
<i>Mike Yunker</i>	<i>Yes</i>

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?

<i>Lin Walsh</i>	<i>Yes</i>
<i>Bob Glassman</i>	<i>Yes</i>
<i>Mike Yunker</i>	<i>Yes</i>
<i>George Lancaster</i>	<i>Yes</i>

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.

<i>Mike Yunker</i>	<i>Yes</i>
<i>Bob Glassman</i>	<i>Yes</i>
<i>George Lancaster</i>	<i>Yes</i>
<i>Lin Walsh</i>	<i>Yes</i>

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	Yes
Bob Glassman	Yes

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

MOTION: Motion made by Mike Yunker to recommend approval of the variance request. Lin Walsh seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee informed the applicant for the recommendation to be presented to the City Commission on January 18th.

9. Discussion/Approval for the application of a new alcoholic Beverage license and corresponding compliance with zoning requirements for the property located at 400 Sadowski Causeway.

a. Proof of Publication: Included in the agenda packet.

b. Statement by Applicant: Jim Figuerado, owner of the property located at 400 Sadowski Causeway, spoke to the Board on the requested approval of zoning requirements for the alcoholic beverage license.

Mike Yunker asked for a summary of requirements for the issuance of a license.

Building Official Leggett spoke on the requirements for the approval of an alcoholic beverage license and having provided the Board with a document for review.

Assistant City Attorney Black asked Building Official Leggett to read the requirements into the record.

Building Official Leggett read the requirements into the record.

Mike Yunker asked if the Building Department confirmed if the minimum requirements were met. Building Official Leggett explained for the Building Department to be awaiting DEO approval but stated to have reviewed the drawings for consideration of approval and determined for the minimum requirements to have been met. Building Official Leggett advised on a stipulation that the building has not been build yet and only a verbal approval could be given. Assistant City Attorney Black recommended a conditional approval, subject to the permit being issued, or that the approval can be granted by the Board without a physical structure being there, provided the applicant meets the minimum requirements.

Rob DiGenaro, Restaurant Operator for the applicant, informed for the name of the Restaurant to be changed not be confused with the Restaurant down the street. Rob DiGenaro explained the difficulties with obtaining the license and permits and talked of the process of obtaining the alcoholic beverage license. Rob DeGenaro further talked on the proposed menu, drink selections, pricing, and the plan to be a family-style restaurant. Rob DeGenaro talked about some acoustic music, visions for the restaurants, and regular closing hours to be by 10:00 pm. Rob DeGenaro explained the future building to have two floors and bars.

Chair Lancaster explained that the building and zoning requirements for the property were previously approved.

The Board talked about the possibility of a conditional approval.

Assistant City Attorney Black explained the question of approval to be for the confirmation of fulfilling zoning requirements and for the DBPR to issue the license itself. Assistant City Attorney Black recommended to approve for the execution of application confirming the zoning requirements. Assistant City Attorney clarified that the City will not issue the license but the DBPR and recommended a motion for the City to approve the completion of the City's portion of the zoning application license issuance subject to DBPR regulations. Assistant City Attorney Black explained the City's role in confirming zoning requirements for the applicant to apply for the license with the DBPR and recommended verbiage.

There were no further questions.

~~c. Recommendation by Building Department~~

d. Planning & Zoning Board Discussion/Recommendation: Chair Lancaster asked for a motion.

MOTION: Motion made by Mike Yunker to approve and recommend to the City Commission for their approval of the application completion by the City in accordance with State regulations and DBPR and meeting all the conditions of State requirements. Chair Lancaster asked for a second. Lin Walsh seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee informed for the recommendation by the Planning & Zoning Board to be presented to the City Commission by January 18th. City Clerk Gransee explained for the Planning & Zoning Board to be an Advisory Board only and the final determination to be with the City Commission. Chair Lancaster supported the explanation.

10. Discussion/Approval of Unity of Title for the property located at 401 and 411 3rd Street

a. Recommendation by Building Department: Building Official Leggett spoke on the requested Unity of Title and presented the matter to the Board. Building Official Leggett explained for the homeowner requesting approval for the installation of a boatlift down the center of the existing property line. Building Official Leggett explained for the property to be a townhome referred to as a duplex. Building Official Leggett advised the homeowner that a Unity of Title has to be requested to grant the request for the boat lift.

b. Statement by Applicant: Jonathan Burns, representative for the homeowners, talked to the Board and explained for the duplex having been owned since 2014 and never having been rented. Jonathan Burns stated for the duplex being used as a single-family home for family use only and talked about plans of removing the current two boatlifts on the property and replacing it with one single boatlift. Building Assistant Bursa informed the current structure being two units and the Unity of Title allowing to take down the current structure and reconstructing it with a single one. Building Assistant Bursa confirmed for the Unity of Title making it technically one unit and other homes in the City with the same circumstances. Building Official Leggett stated no awareness of problems with those homes.

c. Planning & Zoning Board Discussion/Recommendation: Chair Lancaster asked for a motion.

MOTION: Motion made by Lin Walsh to approve the Unity of Title for 401 and 411 3rd Street. Bob Glassman seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

11. Other Business: None.

12. Adjourn: The meeting adjourned at 10:06 am.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: February 21, 2024

Silvia Gransee

City Clerk