

Minutes of the Key West Planning Board

March 11, 2010

Approved April 15, 2010

Chairman Richard Klitenick called the Key West Planning Board Special Meeting of March 11, 2010, to order at 6:05 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ITEM 1. ROLL CALL

Present were: Chairman Richard Klitenick; Members, Tim Root, Jim Gilleran, Ed Gartenmayer, Michael Browning and Sam Holland, Jr.

Excused absence: Gregory Oropeza

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Alan Averette, KW Fire Department; and Planning Department staff, Brendon Cunningham, Nicole Malo and Carlene Cowart.

ITEM 2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Mr. Root and seconded by Mr. Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 3. APPROVAL OF MINUTES

Mr. Holland informed staff that on page two under Item 4a1, 405 Frances, he stated that he made the motion to approve the variance request.

A motion to approve the AMENDED January 21, 2010 Planning Board Special Meeting minutes was made by Mr. Gartenmayer and seconded by Mr. Root.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 4. ITEMS FOR PUBLIC HEARING

b. NEW BUSINESS

- 1. Extension of Transient Rental Transfer Ordinance – An ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances entitled “Zoning”, Article V, Section six entitled “Transient Units” by amending Section 122-1346 to extend the sunset of the division for a period of six months until November 15, 2010; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

Mrs. Kimball-Murley informed members that the purpose of this request is to extend the sunset date in the Transient Unit Ordinance a period of six months to accommodate discussions about whether further changes to the ordinance are warranted. This request does not modify any other aspect of the ordinance. She then gave members an overview of the Transient Unit Ordinance. There will be a City Commission Public Workshop to discuss the

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ordinance background, status of transfers and initial options for revision of the ordinance. This workshop is anticipated to be held in April 2010, a date is yet to be determined.

Mr. Klitenick asked staff if six months is optimistic with the pending City Hall move and if members can request a year extension versus six months. Mrs. Kimball-Murley stated that a longer time frame can be discussed at the City Commission.

Mr. Browning agreed with Mr. Klitenick and asked staff if there would be any advertising issues if the members voted for a year extension. Mr. Erskine informed members that the item has already been advertised for the City Commission agenda as a six month extension; however, members can direct staff to inform Commissioners of the Planning Board recommendations.

A motion to approve the Extension of Transient Rental Transfer Ordinance to include directing staff to recommend a one year extension to the City Commission was made by Mr. Browning seconded by Mr. Root.

Motion carried by unanimous voice vote.

SO ORDERED.

- 2. Development Agreement – 2319-2401 North Roosevelt Avenue (RE Numbers 00001990-000000, 00002000-000000, 00002080-0001000 and 00002260-000000) – A Notice of Intent to enter into a Development Agreement for an approved Major Development Plan and Conditional Use for a mixed use project known as Banana Bay/Fairfield Inn pursuant to Chapter 90, Article IX, Development Agreements of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida. The project includes 20 market rate units, 10 townhouses with transient licenses (can be either transient or residential), and 26 affordable work force housing units at a total project density of approximately 15 units an acre (or an estimated total population density of 84 people) and the transfer of 39 licensed transient units off site (or an estimated population density of 71 people to be accommodated offsite). Building heights on the Property will not exceed thirty (30) feet. The site is located in the General Commercial (CG) Zoning District.**

Mr. Klitenick asked that Mrs. Kimball-Murley outline for members what a development agreement is prior to presenting an overview.

Mrs. Kimball-Murley outlined for members what development agreements are and their purpose. She added that our code limits development agreements to a 10 year period. The last development agreements viewed by the Planning Board were for AIDS Help and Key West Resort. The basis of the development agreement process is that larger, more complex projects could offer public benefits in exchange for long term entitlements.

Mrs. Kimball-Murley then gave members an overview of the development agreement. She informed members that this developer addressed neighborhood concerns through a community workshop held in 2008. She informed members that this project includes 20 market rate units, 10 townhouses with transient licenses (can be either transient or residential), and 26 affordable work force housing units at a total project density of approximately 15 units an acre (or an estimated total population density of 84 people) and the transfer of 39 licensed transient units off site (or an estimated population density of 71 people to be accommodated offsite). She

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then informed members that the 26 affordable housing units on site were allocated out of the City's pool (14.3 equivalent single family units). Those allocations were made by Gail Kenson when she was a Planning Director and those numbers are reflected on our worksheet. Under this agreement, the units that are not used for the remainder of the redevelopment on the site are stated as transferable units and those units and associated licenses can be transferred under the current transient license transfer ordinance as it exists today.

Mr. Gilleran stated that there were originally 34 workforce housing units, now there are 26. He asked staff for clarification on what happened to the remaining BPAS units. Mrs. Kimball-Murley informed members that there were 52.9 equivalent single-family units established on this site, from various different types of units. Out of that pool, the developer will take 30 equivalent single-family units and the remaining units would be transferable off site. She then clarified for the members that the affordable units are being allocated by the City for this site and the developer will transfer off any units that are not used for those market rate or transient residential units on the parcel. In addition, there are transient licenses that will not be used on the site and those licenses can be transferred with accompanying units under our code.

Mrs. Kimball-Murley informed members that if the development agreement is approved by the Planning Board and City Commission, then it would be rendered to two different departments at the DCA.

Mr. Root asked staff what other benefits the City would receive from this development agreement other than having the road rebuilt, installing speed bumps and fixing the crosswalk. Mrs. Kimball-Murley stated that the additional benefits would be the development of affordable housing on the site and the redevelopment of a substandard property that does not meet all of our current code.

Mr. Browning disclosed that he was contacted by Commissioner Rossi and Elizabeth McCoy.

Mr. Root disclosed that he was contacted by Commissioner Rossi and a member of the public.

Mr. Gartenmayer, Mr. Holland and Mr. Klitenick disclosed that they were contacted by Commissioner Rossi.

Mr. Klitenick stated that he knew the City Commission wanted a reduction in affordable units; however, he asked that staff clarify where the additional two reductions from 28 to 26 came from. Mrs. Kimball-Murley stated that the initial reduction was from 34 to 28, due to a cluster of units that were located right up on the road, which was in conflict with a parking easement. Once those units were removed, they ended up with the 28 units that were approved. The further reduction was in response to some neighborhood concerns of number of affordable housing units that were being constructed in one place.

The applicant's attorney, Ginny Stones with Stones and Cardenas, gave members an overview of the request and the public benefits that would stem from the approval of the development agreement. She informed members that the reduction in workforce housing is a voluntary contribution made by the developer.

Mr. Browning asked Mrs. Stones if this is a phased project. Mrs. Stones informed members that this would be a phased project. There is currently some affordable housing on site. Per the terms of the development agreement not less than 26 units of workforce housing will be maintained by the developer on site at all times and should by timing fewer than 26 be

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available onsite for the combined Banana Bay / Fairfield site. The developer does have the capacity to provide workforce housing offsite.

The following members of the public spoke on the matter:

Ed Grantham, 7 Hilton Haven

Mimi Grantham, 7 Hilton Haven

Mr. Klitenick asked staff for clarification since the ordinance states that an agreement shall be no more than five years. Mr. Erskine stated that this is a discrepancy in our code and informed members that Section 90-684 states that the duration of a development agreement shall not exceed 10 years.

Mr. Browning asked staff if there is anything in the development agreement stating that if the developer does not proceed with the development agreement, that the affordable housing units that were allocated to the development agreement be return back to the City pool for reallocation. Mrs. Kimball-Murley stated that that is not specifically stated in the development agreement. Mrs. Stones stated that she would not have a problem with that being added as a condition.

Members discussed the requested length of the development agreement with staff and Mrs. Stones. Members were in agreement that seven years was too long and preferred a five year agreement. The applicant can then seek an extension as permitted by the code.

Mr. Klitenick requested that staff amend the language on the development agreement on page 19, section 11, to state that the developer will comply with all provisions of the transfer ordinance. Mrs. Stones was in agreement to the change.

A motion to recommend approval of the draft Development Agreement with the following recommended changes which would modify the term of the agreement to five years, require Building Permit Allocation System (BPAS) units allocated for affordable housing to revert to the city if the units were not constructed within the timeframes of the agreement; and, clarification that future actions under the Transient Unit Ordinance would require hearings as stipulated in the code was made by Mr. Gartenmayer seconded by Mr. Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 5. PLANNER'S REPORT

There was no Planner's Report.

ITEM 6. ADJOURNMENT

A motion to adjourn was made by Mr. Browning and seconded by Mr. Root.

Motion was carried by unanimous voice vote.

SO ORDERED.

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Meeting adjourned at 7:10 pm.

**Submitted by,
Carlene Cowart
Development Review Administrator
Planning Department**