



THE CITY OF KEY WEST

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To: Brendon Cunningham, Nicole Malo, Enid Torregrossa, Ginny Haller ,
Carlene Smith , Jo Bennett , Karen DeBerjeois , Paul Williams, and Alison
Higgins

From: Donald Leland Craig, AICP

Date: December 5, 2012

Reference: Processing of Major and Minor Developments, Conditional Uses, and
Variances

Copy to: Chairmen of the Planning Board, Tree Commission and HARC, Shawn Smith
City Attorney and Mark Finigan, Assistant City Manager

Due to difficulties in the last several months with the HARC and Tree Commission hearing applications for development/design review prior to review by the Planning Board, the procedure will be changed to send applications for major and minor developments, variances, conditional uses first to the DRC and the Planning Board before going to HARC or to the Tree Commission.

The reason for this change is that HARC members and others have commented that the design approvals received from that body have been seen by applicants and the public as tantamount to final approval because the development of the design has progressed to that conceptual stage , even though in many cases the approved design severely violates setbacks or other bulk and performance regulations , which is the sole purview of the Planning Board , where specific findings of LDRS compliance or hardship are required. This has made HARC board members uncomfortable and puts them in the position of having to caution applicants that their design approval means nothing because variances or other approvals are required. The same situation exists with the Tree Commission when landscape plans do not meet the buffer size or landscape standard sizes of the LDRS and waivers must be granted by the Planning Board.



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The plans reviewed by the HARC and Tree Commission can accommodate designs that either strictly meet the LDRs or fit within a variance or waiver granted by the Planning Board.

This new procedure should not be a burden on the applicants because the level of detail required for the submissions to the Planning Board contains with few exceptions the same or greater amount of detail and design effort as the submission to HARC. Often the thought that goes into the design effort for the Planning Board approval identifies solutions never contemplated at the HARC review and should aid in obtaining HARC or Tree Commission approval.

With regard to section 90-137 of the LDRS regarding time limits for the 30 day consideration of the HARC applications, the application will be accepted after the procedural requirement of proceeding to DRC and the Planning Board if it requires the requisite above listed approval first. With normal processing times this new procedure should allow the HARC hearings to occur within 30 days of application acceptance.

This administrative directive is effective 1 December 2012

CC: