

MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: 07/27/2015
To: Mr. Thaddeus Cohen, Director
From: Lori Thompson, Development Specialist
CC: A.H.I., Property Owner
Mr. Owen Trepanier
Re: **1512 Dennis Street and 1515-1525 Bertha Street
Res. No. 14-315
Development Plan Approval Extension Petition**

Please consider this memo our petition to extend Res. No. 14-315, a Major Development Plan Approval at 1512 Dennis Street and 1515-1525 Bertha Street pursuant to Sec. 108-203 (b)ⁱ.

AHI, a not-for-profit, in an abundance of caution, is requesting a one-year extension to the expiration of the development approval to secure additional funding for the project. Key West Code Sec. 108-203(b) permits an initial 12-month extension and subsequent extensions if fully noticed in accordance with division 2 of article VIII of chapter 90ⁱⁱ.

We thank you in advance for your consideration in this matter.

Respectfully,

Lori L. Thompson

ⁱ **Sec. 108-203. Expiration, transferability and extension.**

(b) If the property receiving development plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the development plan approval shall be transferable. A development plan approval may be extended only one time for 12 months by a favorable vote by the body that granted the original approval, if the applicant submits a petition for such extension prior to the development plan's expiration and demonstrates reasonable cause for the extension. The burden of proof in justifying reasonable cause shall rest with the applicant. **Subsequent extensions may be granted but shall be fully noticed in accordance with division 2 of article VIII of chapter 90.** (emphasis added)

ii **Division 2 of article VIII of chapter**

90. Sec. 90-641. Scope.

Except as required by F.S. §§ 163.3181(3)(a), 163.3225(2), and 166.041(3)(a), (c), the city shall provide notice for public hearings on variances, board of adjustment actions, planning board actions, appeals, vacation of public easements or rights-of-way, conditional uses, development plans, subdivision plans, planned redevelopment and development plans, as provided in this division.

Sec. 90-642. Newspaper notice.

In accordance with the requirements of sections 90-645 and 90-646, the city shall be required to publish an advertisement of the public hearing in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter.

Sec. 90-643. Mail notice.

In accordance with the requirements of sections 90-645 and 90-646, the city shall mail a notice of the public hearing to each property owner located within 300 feet of the outer boundaries of the land which is the subject of the request, based upon the list of property owners maintained by the planning department and periodically updated with ad valorem tax records.

Sec. 90-644. Posted notice.

In accordance with the requirements of sections 90-645 and 90-646, the city shall post a notice of the public hearing on the subject property that is legible from the adjacent public street. The notice shall contain block lettering on a high contrast background color with the words "public notice" in letters three inches or more in height.

Sec. 90-645. Content of notice.

The notice required by this division shall contain the date, time and place of the public hearing and a common description of the location of the subject site and the nature of the project.

Sec. 90-646. Timing of notice.

- (a) The notice required by this division shall be given at least ten days prior to the date set for the public hearing at which the application is first considered. A copy of the notice shall be available for public inspection during regular business hours of the city clerk.
- (b) The first two postponements of an item shall not require a new notice, provided that the postponement is to a date and location certain. In the event of a third postponement, then a new notice shall be given as provided herein. If at least two of the three postponements were at the applicant's request or due to the applicant's actions, then the applicant shall bear the cost of the re-notice; otherwise the cost shall be borne by the city.