



EXECUTIVE SUMMARY

To: Bob Vitas, City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Ginny Haller, Planner

Date: May 7, 2013

RE: **Extension of Revocable License Agreement – 1015-1027 Simonton Street (RE# 00027070-000000; Alt. Key 1027847)** – A request for a 180 day extension of a revocable license agreement for approximately 6,200 square feet of publically owned right-of-way per Section 2-939 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

ACTION STATEMENT:

Request: A request for a 180 day extension of revocable license agreement for approximately 6,200 square feet of publicly owned right-of-way in the HNC-1 zoning district to maintain existing residential trailers for a period of twelve months as per Section 2-939 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Location: 1015-1027 Simonton Street (RE # 00027070-000000; Alt. Key 1027847) the portion of Virginia Street Right-of-Way (ROW) starting at the intersection with Simonton Street.

Zoning: Historic Neighborhood Commercial (HNC-1) Zoning District

BACKGROUND:

This application is the result of Code Compliance case of November, 2011 stemming from various violations including fire hazards, illegal construction and illegal use of the public right-of-way (ROW). The applicant purchased the property with eleven existing residential trailers placed in the ROW. The original request was for an easement for the continued use of the City's ROW. In 2012, the City Attorney determined that a revocable license agreement was the correct vehicle to allow the trailers to remain for a limited amount of time. This direction was taken with the commitment by the applicant

that a development plan is filed and the encroaching trailers removed within 12 months of the license's approval. City Commission Res. No. 12-174 authorized the Revocable License Agreement which expires May 15, 2013.

The applicant requests a 180 day extension of the Revocable License Agreement in order to remove the encroaching trailers from the right-of-way and move forward with a development plan for approval by the City Commission. The applicant submitted plans with the Planning Department for a major development plan and parking variance that will be heard at the Development Review Committee on April 25, 2013.

Prior City Actions:

Development Review Committee: February 23, 2012
City Commission: May 15, 2012

City Actions:

City Commission (for extension): May 7, 2013
Development Review Committee: April 25, 2013 (MDP & Parking Variance)
Planning Board: TBD

PLANNING STAFF ANALYSIS:

The process for the review of easements and licenses is the same. Therefore, the materials submitted with the easement application have been reviewed. The property, addressed as 1015-1027 Simonton Street, is at the intersection of Simonton and Virginia Streets. As described in the Specific Purpose Survey provided by J. Lynn O'Flynn dated January 26, 2012, the area required for the license is for that portion of the 600 block of Virginia Street occupied by the eleven existing residential trailers. The portion of the ROW needed for the trailers is comprised of approximately 6,200 square feet.

Excepting the ROW itself, City staff identified the following publically owned infrastructure: a) a meter, electrical poles and overhead lines owned by Key's Energy; b) water lines owned by the Florida Key's Aqueduct Authority; and c) sewer lines owned by the City.

Per Section 2-939 d, each revocable license granted by the city for the use of property requires an annual fee of \$200.00.

Options / Advantages / Disadvantages:

Option 1. To approve the extension of the revocable license for 6,200 square feet.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The Strategic Plan is silent to this issue.

2. **Financial Impact:** The City will collect \$200.00 as part of the approval of the application. There will be no cost to the city for this license approval.

Option 2. Deny the extension of the revocable license based on findings that the City's needs outweigh the request.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The Strategic Plan is silent to this issue.
2. **Financial Impact:** The City would lose the potential to collect the revenue of a revocable license agreement.

RECOMMENDATION: Option 1

Based on the existing conditions, the Planning Department recommends **approval** to the City Commission for the proposed **180 day extension of the revocable license agreement** with conditions as follows:

1. The license is revocable at the will of the City Commission.
2. That the owner shall pay the one time yearly fee of \$200 specified in Code of Ordinances Section 2-939 (d).
3. That the license shall terminate upon the failure of the property owner to maintain liability insurance in a minimum amount of one hundred thousand dollars (or such other amount as may legislatively be determined to be the maximum extent of sovereign immunity waiver) naming the City as an additional insured for that portion of real property which is the subject of this license.
4. The existing eleven residential trailers will be the total allowed encroachment within the license area.