



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail City Commission

Wednesday, October 2, 2013

6:00 PM

Old City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

ROLL CALL

INVOCATION - Pastor Charles Elliott, Eagle's Rest Christian Center

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Special Olympics Day

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

2 Bob George Day

Sponsors: Mayor Cates, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

Attachments: [Proclamation](#)

3 Fire Prevention Week

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

PRESENTATIONS

City Attorney's Report

**City Manager's Report
- FDOT Report - Dean Walters**

CONSENT AGENDA*

*Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.

MINUTES

- 4 *August 20, 2013 (Regular)
Attachments: [Minutes](#)
- 5 *September 4, 2013 (Regular)
Attachments: [Minutes](#)
- 6 *September 5, 2013 (Special)
Attachments: [Minutes](#)
- 7 *September 17, 2013 (Regular)
Attachments: [Minutes](#)

RESOLUTIONS

- 8 *Authorizing the disposal of surplus city property known as one decommissioned street sweeper as a donation to Harbour Island, Bahamas pursuant to Section 2-771(3)(c) of the Code of Ordinances; Providing conditions.
Sponsors: Mayor Cates
Attachments: [Resolution](#)
- 9 *Opposing and urging amendment or repeal of the Biggert Waters Flood Insurance Reform Act of 2012; Urging Congress to direct an independent examination to review NFIP proposed actuarial rates and solvency; Urging Congress to develop more reasonable and rational methods to NFIP solvency that will not damage the economy or its fragile recovery; Authorizing the City Clerk to provide certified copies of this resolution to Senators Bill Nelson, Marco Rubio and Congressman Joe Garcia.
Sponsors: Commissioner Weekley
Attachments: [Resolution](#)

18

Approving the attached Settlement Agreement in the matter of Sunset Marina Residences of Key West Condominium Association, Inc. v. City of Key West and Monroe County Florida, Case No. 2011-CA-911-K; Authorizing the City Manager to execute settlement documents.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)

[Settlement Agreement](#)

[Letter From John Jones](#)

[Letter from KW Golf Club Homeowners Assoc](#)

[Letter From Steve Black](#)

19

Directing City Staff to suspend work and expenditures towards development of the Easter Seals Property, until such time as the best use of the property is determined.

Sponsors: Commissioner Wardlow

Attachments: [Resolution](#)

[Letter from Edwin Stieve](#)

20

Encouraging the Key West Housing Authority to develop a Request for Proposals (RFP) for development of an assisted and independent living facility at Poinciana Plaza or another suitable site.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

[Letter from Allen Tidball](#)

21

Quasi-Judicial Hearing: Administrative Appeal

Granting/Denying the Appeal by C & D Properties of Key West, 1, LLC, and Upholding/Denying/Amending the Planning Department's Non-conforming Use Determination for 405 Fleming Street.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)

[Postponement Request](#)

[Appeal 405 Fleming St](#)

Legislative History

8/6/13	City Commission	Postponed
8/20/13	City Commission	Postponed

ORDINANCES – FIRST READING

22

An Ordinance of the City of Key West, Florida, amending Chapter 86, Section 86-9 entitled "Definition of Terms"; Amending Chapter 108 of the Land Development Regulations of the Code of Ordinances, entitled Planning and Development specifically Article X entitled "Building Permit Allocation System" by amending Section 108-986 "Definitions"; Adding Definitions to Section 86-9 entitled "Definition of Terms"; Amending Section 108-987 entitled "Purpose and Intent"; Amending Section 108-989 entitled "Authority"; Amending Section 108-991 "Development Not Affected by Article"; Amending Section 108-994 entitled "Established"; Amending Section 108-995 entitled "Reporting Requirements and Adjustments in Residential Allocation Schedule"; Repealing Section 108-996 entitled "Period of Allocation"; Adding a new Section 108-996 entitled "Intent"; Repealing Section 108-997 entitled "Tracking and Monitoring System"; Adding a new Section 108-997 entitled "Period of Allocation and Ranking/Review of Applications", Adding a new Section 108-998 entitled "Compact Infill Development and Mixed Use Development Incentives"; Amending and Renumbering Section 108-998 to 108-199 entitled "Procedures for Ensuring Beneficial Use of Private Property"; Repealing Section 108-999 entitled "Zoning in Progress"; Adding Section 108-1000 entitled "Allocation of Residential Permits in the Truman Waterfront Redevelopment Area"; and Amending Chapter 122 entitled "Zoning", by amending Section 122-1470 entitled "Accessory Unit Infill"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)

[Executive Summary](#)

[Planning Board Staff Report](#)

[LEED](#)

[FGBC](#)

[ARCSA Standards](#)

[15% Energy and Water Reduction Resources](#)

[FEMA Standards](#)

[Building Permit Allocation System \(BPAS\) Public Comments](#)

Legislative History

5/23/13	Planning Board	Postponed
6/20/13	Planning Board	Postponed
7/18/13	Planning Board	Passed
8/15/13	Planning Board	Passed

23

An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled "Administration" by amending Section 90-392 and by adding Section 90-398 to authorize the City Planner to issue Administrative Variances, establish Procedures for an Application for Administrative Variances, establish a Procedure for Providing Notice to Adjoining Property Owners of the City Planner's Intent to Issue an Administrative Variance, to establish Criteria for the Issuance of Administrative Variances and establish a Procedure for Public Hearings on Applications for Administrative Variances; Amending Chapter 122 entitled "Zoning" by amending Section 122-28 and adding Section 122-32 (g) to establishing Procedures for Nonconformities; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)

[Executive Summary](#)

[Planning Board Resolution 2013-32](#)

[Exhibit 1 Timeline](#)

[Planning Board Package](#)

[Background Information Variance Review](#)

[*Large File* Backup Info-Variances 2011 & 2012](#)

[City of Key West Code on Variances 90-391](#)

[Monroe County Code on Administrative Variances](#)

[Monroe County Property Notification Letter](#)

Legislative History

1/17/13	Planning Board	Postponed
2/21/13	Planning Board	Passed
5/16/13	Planning Board	Postponed
6/20/13	Planning Board	Passed

24

An Ordinance of the City of Key West, amending Chapter 122, of the Land Development Regulations of the Code of Ordinances entitled "Zoning" by amending the HRCC-4 Zoning District Section 122-756 entitled "Intent"; Amending Section 122-757 entitled "Uses Permitted"; Amending Section 122-758 entitled "Conditional Uses"; Amending Section 122-759 entitled "Prohibited Uses"; and Amending Section 122-760 entitled "Dimensional Requirements"; and Amending the HPS-1 Zoning District Section 122-966 entitled "Intent"; Amending Section 122-967 entitled "Uses Permitted"; Amending Section 122-968 entitled "Conditional Uses"; and Amending Section 122-970 entitled "Dimensional Requirements" for amendments to Zoning District Regulations for the lands within the designated Truman Waterfront Park area; and Amending Supplementary District Regulations by amending Section 122-1111 entitled "Table of Land Uses by District"; and Amending Section 122-1151 entitled "Table of Size and Dimension Regulations"; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)

[Executive Summary](#)

[Planning Board Resolution 2013-49 and Support Docs](#)

Legislative History

7/24/13	Planning Board	Postponed
8/22/13	Planning Board	Passed

ORDINANCES - SECOND READING (Public Hearing)

25

An Ordinance amending the Key West Comprehensive Plan by amending the Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core-4 of the Land Use Element as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon the revocation of the Mole Pier and the Truman Harbor previously deeded by the Navy and the adopted Truman Waterfront Park Master Plan; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

RECOMMENDING POSTPONEMENT

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)

[Executive Summary](#)

[Planning Board Resolution 2013-48](#)

[Supporting Documents](#)

Legislative History

8/22/13	Planning Board	Passed
9/17/13	City Commission	Passed to Second Reading

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT