

## EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager

**Through:** Amy Kimball-Murley, AICP, Planning Director

**From:** Ashley Monnier, Planner II

**Meeting Date:** November 16, 2010

**RE:** A request for 12 month extension to an approved Major Development Plan allowing the construction of four transient units and the redevelopment of one permanent residential unit, by reducing existing office space from 10,000 square feet to 5,000 square feet, and addition of third floor with roof and front tower elevator for property located within the HNC-1 zoning district per Section 108-203 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### **ACTION STATEMENT:**

Request: To extend the Major Development Plan approval for 12 months at 524 Eaton Street (City Commission Resolution 10-026).

Location: 524 Eaton Street  
RE Number (00006500-000100)

### **BACKGROUND:**

In January of 2010, the City Commission conditionally granted Major Development Plan approval for property located at 524 Eaton Street (City Commission Resolution 10-026). The scope of work included the construction of four transient units, and the redevelopment of one permanent residential unit, by reducing existing office space from 10,000 square feet to 5,000 square feet, and an addition of third floor with roof and front tower elevator. The applicant has requested the Major Development Plan extension as a result of issues encountered with the adjacent property at 512 Eaton Street, which was the subject of a conditional use approval (Planning Board Resolution 2007-042). The conditional use approval at 512 Eaton Street allowed the conversion of a former church/theater into a restaurant with stage and screen entertainment, and 3,075 square feet of consumption, stage, and accessory bar waiting area. Subsequently, a conditional use extension for the theater was conditionally approved (Planning Board Resolution 2009-043), provided in part that the applicant receive an alcohol sales variance approval from the City Commission. On July 20, 2010, the City Commission denied a variance to Section 18-28 of the Code of Ordinances, which would have allowed the sale of alcohol within 300 feet of two churches and a funeral home within proximity to the property at 512 Eaton Street (City Commission Resolution 10-229). According to the applicant, the construction associated with the Major Development Plan approval for 524 Eaton Street

has been affected until the approvals necessary to carry out the conditional use can be obtained.

Section 108-203(b) of the City's Land Development Regulations governs development plan extension requests in the following manner:

*"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."*

**Previous City Actions:**

City Commission Approval:	January 19, 2010	(CC Resolution 10-026)
Planning Board Approval:	November 10, 2009	(PB Resolution 2009-041)
Tree Commission Approval:	December 14, 2009	
Modification to HARC Approval:	November 16, 2009	(H09-11-03-1259)
Development Review Committee:	September 14, 2009	
HARC Approval:	May 12, 2009	(H09-03-04-225)

**Planning Staff Analysis:**

Based on the criteria in Section 108-203(b) of the Land Development Regulations, the applicant requested the petition for extension prior to the development plan's expiration, and has demonstrated reasonable cause for the extension.

**Options/Advantages/Disadvantages:**

**Option 1:** To approve the extension request.

**1. Consistency with the City's Strategic Plan, Vision, and Mission:**

The City's Strategic Plan, Vision, and Mission do not address this type of request.

**2. Financial Impact:**

No direct financial impact is anticipated as a result of this specific request.

**Option 2:**

**1. Consistency with the City's Strategic Plan, Vision, and Mission:**

The City's Strategic Plan, Vision, and Mission do not address this type of request.

**2. Financial Impact:**

No direct financial impact is anticipated as a result of this specific request.

**Recommendation**

The Planning Department recommends **approval** of Option 1.