



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, April 21, 2016

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Call Meeting To Order

6:05 P.M.

Roll Call

Absent 2 - Mr. Browning, and Mr. Pike

Present 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Mr. Klitenick, and Mr. Holland

Pledge of Allegiance to the Flag

Approval of Agenda

It was moved by Mr. Gilleran and seconded by Ms. Spottswood to approve the agenda as changed; Mr. Klitenick would be recused from the vote on Items 7 and 11 and Ms. Spottswood would be recused from the vote on Items 10, 11, 12 and 13. City Planner Cohen asked that Item 13 be heard before Item 12. There were no objections.

Approval of Minutes

1 March 17, 2016 (regular)

Attachments: [Minutes](#)

A motion was made by Vice Chair Klitenick, seconded by Ms. Spottswood, that the Minutes be Approved. The motion passed by a unanimous vote.

Resolutions

2

An Ordinance of the City of Key West, Florida, amending Chapter 86 the Code of Ordinances entitled "Definitions" by amending Section 86-9; amending Chapter 122 entitled "Zoning" by amending Section 122-1336 to allow the transfer of excess residential units; amending 122-1341 establishing criteria governing the transfer of excess units; renumbering existing sections 122-1340, 1341, 1342, 1242, 1344, and 1345; amending existing Section 122-1344 to allow transfer of excess units; amending existing Section 122-1345 to mortgagee consent when excess units are transferred; Providing for severability; Providing for repeal of inconsistent provisions; Providing for and effective date.

Attachments: [Proposed Draft Ordinance](#)
 [Staff Summary](#)
 [Trepanier Hand out](#)
 [Hendrick Hand out](#)

A motion was made by Vice Chair Klitenick, seconded by Ms. Spottswood, that the Ordinance be Postponed to the June 16, 2016 meeting. The motion carried by the following vote:

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

3

Proposed Revisions to the Historic District Signage Ordinance -
An Ordinance of the City Of Key West, Florida, amending Chapter 114 of the City of Key West Code of Ordinances Land Development Regulations entitled "Signs" by amending Section 114-1 "Definitions" and amending Division 3 of Chapter 114 "Historic District"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: Resolution
 Staff Report
 Proposed Draft Ordinance

A motion was made by Mr. Gilleran, seconded by Vice Chair Klitenick, that the Resolution be Passed. The motion carried by the following vote:

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-17

4

Proposed Revisions to the Historic Architectural Guidelines for Banners, Flags, Signage and Lighting - Consideration of a Resolution of the City of Key West Planning Board recommending an Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission guidelines for Signage and Lighting as referenced in Section 90-142 of the City of Key West Code of Ordinances Land Development Regulations; Providing for an effective date.

Attachments: Resolution
Staff Report
Proposed Draft Ordinance
Attachment to Proposed Draft Ordinance

A motion was made by Mr. Varela, Sr., seconded by Ms. Spottswood, that the Resolution be Passed. The motion carried by the following vote:

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-18

5

Proposed Revisions to the Historic Architectural Guidelines for New Construction - Consideration of a Resolution of the City of Key West Planning Board recommending an Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission guidelines for New Construction as referenced in Section 90-142 of the City of Key West Code of Ordinances Land Development Regulations; Providing for an effective date.

Attachments: Resolution
Staff Report
Proposed Draft Ordinance

A motion was made by Vice Chair Klitenick, seconded by Mr. Gilleran, that the Resolution be Passed. The motion carried by the following vote:

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-19

- 6 **Proposed Revisions to the Historic Architectural Guidelines for Additions and Alterations** - Consideration of a Resolution of the City of Key West Planning Board recommending an Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission guidelines for Additions and Alterations as referenced in Section 90-142 of the City of Key West Code of Ordinances Land Development Regulations; Providing for an effective date.

Attachments: Resolution
 Staff Report
 Proposed Draft Ordinance

A motion was made by Mr. Gilleran, seconded by Mr. Varela, Sr., that the Resolution be Passed. The motion carried by the following vote:

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-20

- 7 **Variance - 1441 Thompson Street (RE # 00042420-000000; AK # 1043061)** - A request for variances to expand existing front, rear and street side setbacks in order to construct a one story addition, on property located within the Single-Family Residential (SF) Zoning District.

Attachments: [Noticing](#)
 [Package](#)

A motion was made by Mr. Varela, Sr., seconded by Ms. Spottswood, that the Resolution be Postponed to May 19, 2016. The motion carried by the following vote:

Recuse: 1 - Vice Chair Klitenick

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 4 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., and Chairman Holland

- 8 **Variance - 221 Petronia Street (RE# 00013580-000000; AK# 1013960)** - A request for a variance to rear setback requirements in order to construct a two story residential addition located within the Historic Neighborhood Commercial (HNC-3) Zoning District.

Attachments: [Noticing](#)
 [Package](#)

A motion was made by Ms. Spottswood, seconded by Mr. Varela, Sr., that the Resolution be Postponed to May 19, 2016. The motion carried by the following vote:

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

9

Change of Non-Conforming Use - 916 Polhaski Avenue (RE # 00021080-000000; AK # 1021822) - A request for change of non-conforming use in order to change the use from Commercial Retail to Medical Services on property located within the Historic High Density Residential (HHDR) Zoning District.

Attachments: [Noticing](#)
 [Package](#)

A motion was made by Vice Chair Klitenick, seconded by Ms. Spottswood, that the Resolution be Passed. The motion carried by the following vote:

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 5 - Mr. Gilleran, Ms. Spottswood, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-21

10

Exception for Outdoor Merchandise Display - 405 Fleming Street (RE # 0000-00006670-000000; AK # 1006904) - A request for exception for outdoor merchandise display on property located within the Historic Residential/Office (HRO) Zoning District pursuant to Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Noticing](#)
 [Package](#)
 [HARC Memo 10-20-14](#)

A motion was made by Mr. Gilleran, seconded by Mr. Varela, Sr., that the Resolution be Passed as amended, requiring yearly inspection by City Staff. The motion carried by the following vote:

Recuse: 1 - Ms. Spottswood

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 4 - Mr. Gilleran, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-22

11

Exception for Outdoor Merchandise Display - 540 Greene Street (RE # 00001160-000000; AK # 1001180) - A request for exception for outdoor merchandise display on property located within the Historic Residential Commercial Core (HRCC-1) Zoning District pursuant to Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Noticing](#)
 [Package](#)

A motion was made by Mr. Gilleran, seconded by Mr. Varela, Sr., that the Resolution be Passed as amended; that the Outdoor Display be open between the hours of 10:00 A.M. to 7:00 P.M. and that there be no amplified music. The motion carried by the following vote:

Recuse: 2 - Ms. Spottswood, and Vice Chair Klitenick

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 3 - Mr. Gilleran, Mr. Varela Sr., and Chairman Holland

Enactment No: 2016-23

12

Conditional Use - 1664 Dunlap Drive (RE # 00054250-000000; AK # 1054879) - A request for conditional use to allow for the nursing home, rest home, convalescent home use on property located in the Medium Density District - 1 (MDR-1) Zoning District.

Attachments: [Noticing](#)
 [Package](#)
 [Castillo Hand out](#)

A motion was made by Mr. Gilleran, seconded by Mr. Varela, Sr., that the Resolution be Passed. The motion carried by the following vote:

Recuse: 1 - Ms. Spottswood

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 4 - Mr. Gilleran, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-25

13

Major Development Plan - 1664 Dunlap Drive (RE # 00054250-000000; AK # 1054879) - A request for major development plan for the construction of a 108 unit senior living facility on property located within the Medium Density Residential District - 1 (MDR-1) Zoning District.

Attachments: [Noticing](#)
 [Package](#)
 [Letter From Anne McLoud](#)
 [Letter From Allan Tidball](#)
 [Castillo Hand out](#)

A motion was made by Mr. Varela, Sr., seconded by Vice Chair Klitenick, that the Resolution be Passed. The motion carried by the following vote:

Recuse: 1 - Ms. Spottswood

Absent: 2 - Mr. Browning, and Mr. Pike

Yes: 4 - Mr. Gilleran, Mr. Varela Sr., Vice Chair Klitenick, and Chairman Holland

Enactment No: 2016-24

Reports

Citizen Comments

Board Comments

Adjournment

8:40 P.M.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <div style="display: flex; justify-content: space-between;">KLITENICKRICHARD</div>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE KEY WEST PLANNING BOARD	
MAILING ADDRESS 1009 SIMONTON STREET		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY KEY WEST		<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY MONROE		NAME OF POLITICAL SUBDIVISION: CITY OF KEY WEST	
DATE ON WHICH VOTE OCCURRED APRIL 21, 2016		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, RICHARD KLITENICK, hereby disclose that on 4/24/16, 20 16.

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of my client, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ITEM LISTED AS #5 7 & 11
ON AGENDA

#7 - Variance - 1441 Thompson Street

#11 - Exception for Outdoor Merchandise Display - 540 Greene Street

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

April 21, 2016

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SPOTTSWOOD, CRISTY	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE KEY WEST PLANNING BOARD
MAILING ADDRESS 500 FLEMING STREET	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY KEY WEST MONROE	NAME OF POLITICAL SUBDIVISION: CITY OF KEY WEST
DATE ON WHICH VOTE OCCURRED APRIL 21, 2016	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Cristina Spottswood, hereby disclose that on April 21, 20 16:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

my law firm represents the following clients:

- #10 - Exception for Outdoor Merchandise Display - 405 Fleming Street
- #11 - Exception for Outdoor Merchandise Display - 540 Greene Street
- #12 - Firm Represents Housing Authority - 1664 Dunlap Drive
- #13 - Firm Represents Housing Authority - 1664 Dunlap Drive

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/21/16

Date Filed

Cristina Spottswood

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.