

**Minutes of the Key West Planning Board
February 17, 2011** **DRAFT**

Vice-Chairman Tim Root called the Key West Planning Board Meeting of February 17, 2011 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Chairman Richard Klitenick; Members: Gregory Oropeza, Sam Holland, Jr. and Lisa Tennyson.

Excused Absence: Vice-Chairman, Tim Root; Michael Browning and Jim Gilleran.

Also in attendance were: Interim Planning Director, Don Craig; Chief Assistant City Attorney, Larry Erskine; Alan Averette, KW Fire Department; and Planning Department staff, Brendon Cunningham, Carlene Cowart, Ashley Monnier and Nicole Malo.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1 January 20, 2011 – Meeting Minutes

A motion to approve the January 20, 2011 meeting minutes was made by Mr. Holland and seconded by Ms. Tennyson.

Motion carried by unanimous voice vote.

SO ORDERED.

2 January 25, 2011 – Special Meeting Minutes

A motion to approve the January 25, 2011 special meeting minutes was made by Ms. Tennyson and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

RESOLUTIONS

Old Business

- 3 Variances – Mallory Square (RE# 00072082-001100, 00072082-001400 and 0072082-003700) – For impervious surface ratio and side yard setback requirements in the HPS zoning district per Section 122-960(4)b. and Section 122-960(6)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Tennyson requested that due to the importance of the project, that this item be postponed until there are more members present.

**Minutes of the Key West Planning Board
February 17, 2011**

DRAFT

A motion to postpone the variance request to the March 17, 2011 Planning Board meeting, so that more members can be present when the item is heard, was made by Ms. Tennyson and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 4 After the Fact Variances – 908 Trinity Drive #4 (RE# 00065570-001010) – A variance request for building coverage, impervious surface ratio, side, and rear setbacks in the Single Family zoning district per 122-238 (4)(a), 122-238 (4)(b)(1), 122-238 (6)(a)(2) and (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Klitenick informed members that he had a conflict and recused himself from this item.

There was no quorum. Item will move forward to the March 17, 2011 Planning Board meeting.

- 5 Change in Nonconforming Use – 326 Southard Street Unit 1 (RE# 00012902-000100) – A change in nonconforming use from a retail plant store to a bicycle rental, repair and retail shop in the HRO zoning district per Section 122-32(e) of the Land Development Regulations of the City of Key West.**

Ms. Malo gave members an overview of the variances request. She informed members that staff met with the applicants. Based on the criteria outlined in Section 122-32 (e) (1) and (2) of the City of Key West Code of Ordinances, the Planning Department recommends approval of the Change of Nonconforming Use with the following conditions:

1. This approval allows for the rental of fifty (50) bicycles. Those same bicycles are not to be rotated with other bicycles.
2. No bicycle painting shall take place on site.
3. Proposed bicycle racks must be coordinated with the Bicycle/Pedestrian/ADA Coordinator before installation.
4. No bicycle tours are allowed from this location.
5. The applicant is allowed to store up to five (5) bicycles in the waste and recycling area to the rear of the building, while awaiting repair.

The applicants, Chris and Yolandi Wild, gave members an overview of the request. They informed members that they are in agreement with the conditions recommended by the Planning Department.

There were no public comments.

Members reviewed the change in nonconforming use request.

A motion to approve the change in nonconforming use request to include conditions recommended by the Planning Department was made by Ms. Tennyson and seconded by Mr. Holland.

Motion was carried by unanimous voice vote.

**Minutes of the Key West Planning Board
February 17, 2011**

DRAFT

SO ORDERED.

New Business

- 6 Variances – 1415 Olivia Street (RE# 00023940-000000) For setback requirements in the HMDR zoning district per Section 122-600 (6) a. & b. as required when the renovation exceeds 66% of the assessed or appraised value of the structure per Section 122-28 (b) of the Land Development Regulations of the City of Key West.**

Mr. Cunningham gave members an overview of the variance request. He informed members the existing structure is in a dilapidated condition and the applicant intends to renovate and expand the structure. To do so, per Section 122-28(b), the applicant is requesting variances to existing building setback requirements since the cost of the proposed renovations exceeds 66% of the assessed value as proscribed in the code. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be denied. However, should the Planning Board choose to approve this request, staff recommends the following condition:

1. That the applicant actively maintain the proposed swales shown on the plans for stormwater management purposes.

Mr. Klitenick disclosed that he handled the transaction when the estate was sold to the applicant's LLC. He stated that he did not represent the applicant in the transaction.

The applicant's architect, David Knoll, gave members an overview of the request.

The following members of the public spoke on the matter:

- Chuck Pratt, 814 Pearl
- Allen Suggs, 10175 Fortune Parkway

Members reviewed the variances request.

A motion to approve the variances request to include the condition recommended by the Planning Department was made by Mr. Oropeza and seconded by Mr. Holland.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 7 3308 Duck Avenue (RE 00052960-000500) – An after-the-Fact variance request for required building coverage, impervious surface ratio, front yard setback, rear yard setback, side yard setbacks and open space requirements in the Single Family (SF) zoning district per Section 122-238(4)a. and b(1), Section 122-238(6)a.(1), (2) and (3), 122-1182 and Section 108-346(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Malo gave members an overview of the after-the-fact variances request. She informed members that this request is intended to enable the homeowner to obtain after-the-fact building permits for the addition and resolve Code Compliance concerns on the site. The current request is to modify the existing unpermitted addition by reducing the 91 square foot structure to 77.3 square feet to allow for a 2' setback from the eve and a 3' setback from the side of the structure to accommodate life safety concerns in the area. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the

Minutes of the Key West Planning Board
February 17, 2011 **DRAFT**

request for variance be **denied**. If the Planning Board chooses to approve this request, the Planning Department recommends the following conditions:

1. The applicant is required to provide signed and sealed plans by a licensed Engineer or Architect prior to building permit issuance.
2. The applicant is required to reduce the unpermitted addition area from 91 square feet to 77.3 square feet allowing 3' between the side of the building addition and the property line (2' from the eve of the addition) as shown on the modified site plans dated February 3, 2011.
3. Interior and exterior Fire Sprinklers must be installed to the satisfaction of the Fire Marshall prior to building permit issuance.
4. Staff approval and the removal of the coconut palm is required prior to building issuance.

Ms. Malo informed members that all conditions were recommended by Development Review Committee members.

The applicant, Christy Mosley, gave members an overview of the request and informed members that they were willing to make the improvements recommended by staff.

There were no public comments.

Members reviewed the after-the-fact variances request.

A motion to approve the after-the-fact variances request to include conditions recommended by the Planning Department was made by Mr. Holland and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

8 Exception for Outdoor Merchandise Display – 1120 Duval Street (RE# 00027930-000000) To allow the display of merchandise in the HRCC-3 zoning district per Section 106-52 of the Land Development regulations of the City of Key West.

Mr. Cunningham gave members an overview of the variance request. He informed members that the applicant is requesting that the Planning Board grant approval for the outdoor display of hand-made jewelry and artwork on a single table located on an existing porch. The applicant seeks the maximum time exception of 60 months. The Planning Department, based on criteria in the City Code, recommends the request for Exception to Outdoor Merchandise Display be approved per the proposed plan to allow merchandise as currently displayed with the following conditions:

1. The Exception for the Outdoor Merchandise Display is limited to the existing porch, and will not be placed in the City right-of-way.
2. The Exception for the Outdoor Merchandise Display will only be present during hours of operation.
3. The Exception for the Outdoor Merchandise Display is specific to the current tenant, J. Patrick Hanley, and granted for 60 months.

The applicant, J. Patrick Hanley, gave members an overview of his request.

There were no public comments.

Members reviewed the exception for outdoor merchandise display request. Mr. Klitenick stated that this district is different and more vibrant in the arts.

**Minutes of the Key West Planning Board
February 17, 2011**

DRAFT

Mr. Holland requested that an additional condition be added that limits the outdoor display to jewelry and art works.

The applicant was in agreement with the conditions.

A motion to approve the exception for outdoor merchandise display to include four conditions listed above was made by Mr. Holland and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

PLANNER'S REPORT

Mr. Craig gave members an update on the RFP for the Comprehensive Plan. He stated that a pre-bid meeting was scheduled for February 22nd and that proposals should be in hand by March 22nd.

He then informed members that the department was awarded a HARC grant to update the inventory of historic structures.

ADJOURNMENT

A motion to adjourn was made by Ms. Tennyson and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:15 pm.

**Submitted by,
Carlene Cowart
Development Review Administrator
Planning Department**