

# **Minutes of the Key West Planning Board**

## **April 18, 2013 DRAFT MINUTES**

Chairman Richard Klitenick called the Key West Planning Board Meeting of April 18, 2013 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

**Present were:** Chairman Richard Klitenick, Lisa Tennyson, Sam Holland and Greg Oropeza.

**Excused absence:** Vice-Chairman Tim Root, James Gilleran, Michael Browning and Ron Demes.

**Also in attendance were:** Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Planning Department staff: Brendon Cunningham, Nicole Malo, Virginia Haller and Jo Bennett.

### **APPROVAL OF AGENDA**

**A motion to approve the agenda was made by Mr. Oropeza and seconded by Ms. Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **APPROVAL OF MINUTES**

**March 21, 2013**

**Postponed to May 16, 2013 Planning Board Meeting.**

### **Election of Chairman**

### **Election of Vice-Chairman**

**A motion to postpone to the May 16, 2013 Planning Board Meeting was made by Mr. Oropeza and seconded by Ms. Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **RESOLUTIONS**

#### **Old Business**

- 1. Variances – 317 Catherine Street (RE# 00026330-000000, AK # 1027120) – A request for variances to rear yard setback, building coverage requirements and detached habitable space for pool house, pool and deck in the HMDR zoning district per Section 90-391, Section 122-600(6)c, 122-600(4)a, and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the variances request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the variances be denied. However, should the Planning Board approve the request for variances; the Planning Department recommended the following condition:

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- The pool house structure shall not be rented as complete, independent living quarters and shall not include a kitchen.

The applicant's architect, Bill Horn, gave members an overview of the request.

The following member of the public spoke on the matter:

- James Beaver, 316 Amelia

**A motion to postpone the variance request to the May 16, 2013 Planning Board meeting in order to allow the applicant to meet with the neighbor was made by Mr. Holland and seconded by Ms. Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### New Business

2. **Pain Management Clinics - Consideration of an ordinance of the City of Key West repealing the Zoning in Progress adopted by Ordinance No. 12-35; amending Chapter 122 of the Code of Ordinances entitled "Zoning" by amending Section 122-418 "Conditional Uses" in the General Commercial (CG) zoning district to provide for Pain Management Clinics as a Conditional Use; by creating Division 14 entitled "Pain Management Clinics"; by adding Sections 122-1547, 122-158, 122-159, 122-1550, 122-1551, 122-1552, 122-1553 and Sections 122-1554-122-1560 as reserved; allowing and registering Pain Management Clinics as defined; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

Ms. Haller gave members an overview of the changes to the proposed ordinance. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request of the proposed changes to the ordinance be approved.

There were no public comments.

**A motion to recommend to the City Commission the proposed changes to the ordinance for Pain Management Clinics was made by Mr. Oropeza and seconded by Mr. Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

3. **Recreational Rental Vehicles - Consideration of an ordinance of the City of Key West amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding definitions to Section 6-166; by amending Chapter 18 of the Code of Ordinances entitled "Businesses" deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; by adding Section 18-354 establishing that permits required, application, franchise fees; by adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; by adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; by adding Section 18-357 establishing restrictions on bicycle tour companies; by adding Section 18-358 establishing requirement of concurrency traffic analysis for the establishment of new Recreational Rental businesses; by adding Section 18-359 establishing identification by decal of all Recreational Rental Vehicles; by adding Section 18-360 establishing an annual inspection of each Recreational**

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**Rental Vehicle facility; by adding Section 18-561 establishing penalties for violations; providing for severability; providing for repeal of inconsistent provisions; and providing for an effective date.**

Ms. Haller gave members an overview of the changes to the proposed ordinance. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request of the proposed changes to the ordinance be approved.

The following members of the public spoke on the matter:

- Jon Love, 1800 N. Roosevelt
- Christopher Elles, 612 White

**A motion to recommend to the City Commission the proposed changes to the ordinance for Recreational Rental Vehicles was made by Mr. Oropeza and seconded by Mr. Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 4. Variances – 1010 Washington Street (RE# 00039080-000000, AK# 1039829) - A request for variances to building coverage and rear and side-yard setback requirements for the renovation of two existing structures and the construction of front and rear porches and a swimming pool which costs exceed 66% of assessed value of the structures on property in the SF zoning district per Sections 90-391, 122-28, 122-238 (4) a. and (6) a. 2. & 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the variances request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the variances be denied. However, should the Planning Board approve the request for variances; the Planning Department recommended the following conditions:

- Any trees on the property be protected during construction. No trees shall be removed without Tree Commission approval.
- Maintain stormwater retention swales and direct rain-gutter downspouts to the swales and landscaped areas as coordinated with the City Engineer prior to the issuance of a building permit.

The applicant's representative, Patrick Wright with Trepanier and Associates, gave members an overview of the request.

There were no public comments.

**A motion to approve the variances request to include Planning Department recommendations was made by Ms. Tennyson and seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 5. Conditional Use – 2308 North Roosevelt Boulevard (RE# 00065710-000000, AK# 1068551) – A request for conditional use approval to operate a motorcycle sales, rental and service shop at property located in the CG zoning district per Section 122-418 (20) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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Mr. Cunningham gave members an overview of the conditional use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for Conditional Use be approved with the following conditions:

Condition to be completed prior to the issuance of a building final:

1. The covered area at the rear of the property shall be enclosed for the storage of waste fluids and other items set for disposal.
2. The parking lot will be properly striped.
3. The pole sign will be removed to facilitate ingress/egress onto the property.
4. The trash receptacle shall be relocated and screened.
5. A cross access easement be sought between the owners of 2300 and 2308 North Roosevelt Boulevard to enable better vehicular circulation during peak-hour traffic times.
6. Adhere to applicable Engineering comments.

Conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22. Conditions subject to associated annual inspection:

7. There will be no outdoor storage of waste fluids and other items set for disposal.
8. There will be no outdoor storage of motorcycles visible from the Public Right of Way.
9. Adhere to Fire Department requirements.

The applicant, Lance Hummell with Keys Cycles, Inc., gave members an overview of the request.

There were no public comments.

**A motion to approve the conditional use request with the amended Planning Department conditions below was made by Ms. Tennyson and seconded by Mr. Oropeza:**

**Condition to be completed prior to the issuance of building final:**

- 1. The parking lot will be properly striped.**
- 2. The trash receptacle shall be relocated and screened.**
- 3. A cross access easement be sought between the owners of 2300 and 2308 North Roosevelt Boulevard to enable better vehicular circulation during peak-hour traffic times.**
- 4. Adhere to applicable Engineering comments.**
- 5. Adhere to Fire Department requirements.**

**Conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22:**

**Conditions subject to associated annual inspection:**

- 6. There will be no outdoor storage of motorcycles visible from the Public Right of Way.**

**Condition to be completed at time of completion of pending FDOT improvements to North Roosevelt Boulevard:**

- 7. The existing pole sign will be removed to facilitate ingress and egress onto the property.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 6. Development Agreement Modification - 3800, 3820, 3824, 3840, 3850 and 3852 N. Roosevelt Blvd (RE# 00064940-000000, AK# 1065455; RE# 00064950-000000, AK# 1065471; RE# 00065060-000000, AK# 1065587; RE# 00065530-000000, AK# 1068233; RE# 00065540-000000, AK# 1068241; and RE#0006550-000000, AK#1068250) – Request for a Modification to a Development Agreement for property located in the General Commercial (CG) zoning district per Section 90-689 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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Ms. Malo gave members an overview of the modification to the development agreement. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the modification to the development agreement be approved.

The applicant's representative, Andres Rubio with Cooper Carry, gave members an overview of the request.

There were no public comments.

**A motion to approve the modification to the development agreement was made by Mr. Holland and seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

7. **Major Development Plan Modification - 3820, 3824, 3850 and 3852 N. Roosevelt Blvd (RE# 00065530-000000, AK# 1068233; RE# 0006550-000000, AK# 1068250; RE# 00064940-000000, AK# 1065455; RE# 00065060-000000, AK# 1065587) - Request for a Modification to a Major Development Plan approval for property located in the General Commercial (CG) zoning district per Section 108-91(C.)(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the modification to the major development plan. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the modification to the major development plan be approved with the following conditions:

1. The applicant shall install a continuous landscape buffer and wall per the waiver request approval and Development Agreement.
2. Exterior lighting shall comply with "Dark Sky standards" as described in the Development Agreement.
3. Coordinate with the Art in Public Places Board for an installation at the intersection of 3850 North Roosevelt and US 1, the "Triangle."
4. Coordinate with FDOT for changes of ingress and egress and sidewalk installation.

The applicant's representative, Andres Rubio with Cooper Carry, gave members an overview of the request.

There were no public comments.

**A motion to approve the modification to the major development plan to include Planning Department recommendations and addition of the following 3 conditions was made by Mr. Oropeza and seconded by Mr. Holland.**

5. **That the applicant authorizes the City to perform Lawful Unit Determinations for 3840 and 3824 North Roosevelt Boulevard.**
6. **That the Concurrency Management Analysis be revised to reflect the Level of Service requirements in the effective Comprehensive Plan at the time of final approval.**
7. **That the approval of this Modification to a Major Development Plan be contingent upon the approval of the Development Agreement.**

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**Motion carried by unanimous voice vote.**

**SO ORDERED.**

**PLANNER'S REPORT**

Mr. Craig informed members of upcoming projects.

**ADJOURNMENT**

**A motion to adjourn was made by Mr. Oropeza and seconded by Mr. Holland.**

**Motion was carried by unanimous voice vote.**

**SO ORDERED.**

Meeting adjourned at 7:53 pm.

**Respectfully submitted by,  
Katrina Cool  
Administrative Assistant II  
Planning Department**