

# Minutes of the Key West Planning Board

## April 23, 2012

**DRAFT**

Vice-Chairman Timothy Root called the Key West Planning Board Special Meeting of April 23, 2012 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### ROLL CALL

**Present were:** Vice-Chairman Tim Root, Jim Gilleran, Sam Holland, Jr., Gregory Oropeza, Lisa Tennyson and Michael Browning.

**Excused absence:** Chairman Richard Klitenick

**Also in attendance were:** Chief Assistant City Attorney, Larry Erskine; Parking Official, John Wilkins; Civil Engineer, Birch Ohlinger; Fire Department staff: Alan Averette and Jason Barroso; Transportation Director, Myra Wittenberg; Planning Department staff: Brendon Cunningham, Carlene Smith, Nicole Malo and Scott Fraser.

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

Ms. Malo informed members that the Department would like to request postponement of items five and six to time certain (May 17, 2012).

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### RESOLUTIONS

- 1 Variance - 617 Mickens Lane (RE# 00012810-000000) - A variance for a rear yard setback for an addition to property located in the HRO zoning district per Section 90-391, Section 122-930(6)(C.) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the variance request. She informed members that in order to accommodate the approximately 856 square feet of new building coverage the applicant is requesting a variance of four feet from the rear yard setback requirement of ten feet. Two swales are proposed that meet the stormwater retention requirement for the new impervious surface and all other dimensional requirements are being met or will remain unchanged. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied. However, if the Planning Board chooses to approve the variance application, the Planning Department recommends the following conditions:

Prior to Building Permit Issuance:

1. That the applicant close-out outstanding building permits prior to any new building permit issuance.
2. The swales are maintained in operating condition, free and clear of debris and inappropriate landscaping.

The owners, Samantha Riviere and Domini Ursitti gave members an overview of the request.

There were no public comments.

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Members reviewed the request with the applicant and staff. Mr. Holland stated that this is a minimal variance that is supported by the neighbors and would be an improvement to the property.

**A motion to approve the variance request to include Planning Department recommendations was made by Mr. Holland and seconded by Mr. Gilleran.**

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

**SO ORDERED.**

- 2 Major Development Plan – 5701 College Road Waste Transfer Station (RE# 00072080-000500) – A request for the redevelopment of City property located in the PS zoning district for a Transportation Facility per Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the major development plan request. He informed members that the request was approved by the City Commission through Resolution 10-158 on May 4, 2010. Per Section 108-203 (a), construction shall commence within 12 months of the date of approval. Subsequently, the project approval has expired due to the lack of any building permits. At this time, the City is proposing to move forward with the project with the same design and plan set. While the interior spaces have been reconfigured, there has been no material change to the overall design. The Planning Department recommends approval of the major development plan with the following conditions:

1. Obtain and maintain an Environmental Resource Permit for storm-water treatment for the portion of the property north of College Road, as required by the South Florida Water Management District, prior to Building Permit approval.
2. That the project permit schedule be extended from 12 months to 24 months due to the phased nature of the project and the protracted time required for final design and bidding.

There were no public comments.

Members reviewed the request.

**A motion to approve the major development plan request was made by Mr. Browning and seconded by Mr. Oropeza.**

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

**SO ORDERED.**

- 3 Storage of Certain Recreational Vehicles - Consideration of an ordinance of the City of Key West amending Chapter 108 of the Code of Ordinances titled "Planning and Development" of Article VII, Division 3 by amending Sections 108-680 through 108-683 of the City of Key West Land Development Regulations of the City of Key West to allow for the storage of recreational vehicles, boats and trailers to be stored on the owner's property without the current screening requirements; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.**

Mr. Cunningham gave members an overview of the ordinance request. He informed members that the proposed ordinance amendment would allow the storage of RV's, boats and trailers on individual single family lots with the requirement that no part of any such vehicle, boat or trailer extend onto City right-of-way or any adjoining property. Existing regulations remain in place throughout the remainder of the city. Mr.

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Cunningham then stated that the Planning Department recommends the Planning Board forward a recommendation of approval of the ordinance to the City Commission.

Mr. Cunningham clarified for members that this ordinance would be specific to the property owner.

There were no public comments.

**A motion to recommend to the City Commission a proposed ordinance amending Chapter 108 of the Code of Ordinances titled "Planning and Development" of Article VII, Division 3 by amending Sections 108-680 through 108-683 of the City of Key West Land Development Regulations of the City of Key West to allow for the storage of recreational vehicles, boats and trailers was made by Mr. Holland and seconded by Ms. Tennyson.**

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

**SO ORDERED.**

- 4 Zoning Ordinance Amendments - Consideration of an ordinance of the City of Key West amending Chapter 122, of the Code of Ordinances titled "Zoning" of Article II, by amending Section 122-26 adding Section 122-33 to the City of Key West Land Development Regulations of the City of Key West to provide for an exception for property affected by eminent domain or voluntary conveyance for public transportation or other public purpose; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.**

Mr. Erskine gave members an overview of the ordinance request. He informed members that FDOT is asking business owners on North Roosevelt to quick claim part of their property for upcoming sidewalk improvements on North Roosevelt Boulevard. He stated that an eminent domain/public purpose waiver is intended to provide private property owners a viable and fair alternative to the adverse impact on their real property, as a result of an eminent domain action or voluntary conveyance to an acquiring authority. It allows the continued use of the remainder parcel in a manner similar to its pre-acquisition, pre-taking, or pre-conveyance condition. Waivers provided pursuant to this section 122-33 can be obtained for nonconforming lots and structures. Waivers cannot be granted for nonconforming uses.

There were no public comments.

Members reviewed the request with staff and expressed their concern on how future owners of the properties would be affected if the waiver process was not recorded or if the previous owner declined to proceed with the waiver process. Members requested that staff examine the issues and bring it back to the Board.

**A motion to postpone the proposed ordinance amending Chapter 122, of the Code of Ordinances titled "Zoning" to time certain (May 17, 2012) was made by Mr. Browning and seconded by Mr. Gilleran.**

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

**SO ORDERED.**

- 5 Fish & Wildlife Ordinance - Consideration of an ordinance of the City of Key West amending Section 110 of the Code of Ordinance entitled Floodplain Protection by adding Section 110-467 providing the basis for enhanced protection of specifically identified endangered species habitat and the species focus area maps and real estate list; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

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This item was postponed to May 17, 2012.

- 6 Floodplain Protection Ordinance – Consideration of an ordinance of the City of Key West amending Chapters 14, 34 & 108 of the City of Key West Code of Ordinances, along with related local amendments to Sections 101, 102, 104, 107, 108, 117, 202, 1612 & R322 of the 2010 Florida Building Codes, for the purpose of updating the City's Flood Damage Protection ordinances and related building codes; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

This item was postponed to May 17, 2012.

- 7 Chapter 90 Administration Ordinance Amendment – Consideration of an ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled “Administration” by amending Section 90-553 to lift the twice per year restriction on Comprehensive Plan amendments; providing for repeal of inconsistent provisions; providing for an effective date.**

Ms. Malo gave members an overview of the ordinance request. She informed members that this is an Administrative Ordinance Amendment Request to lift the existing twice per year restriction on Comprehensive Plan amendments regulated by the City’s Code. Due to the eminent sale of Peary Court that requires future Land Use Amendments to the Comp Plan, the Military Compatibility Amendments as required by Chapter 163.3175 and 163.3177); and the Evaluation and Appraisal Report (EAR) amendments to the Comprehensive Plan, required be transmitted to the DEO by December 29, 2012, the City schedule for comprehensive plan amendments have been maximized for the year. At this time the Planning Department believes amending Section 90-553 of the City Code is the most effective mechanism for completing this year’s required Comprehensive Plan Amendments. Therefore, the department finds that the proposed amendments are consistent with State Statute, the Comprehensive Plan and the Land Development Regulations and recommends approval of the proposed Ordinance amendments.

There were no public comments.

**A motion to recommend to the City Commission a proposed ordinance amending Chapter 90 of the Code of Ordinances entitled “Administration” by amending Section 90-553 to lift the twice per year restriction on Comprehensive Plan amendments was made by Mr. Oropeza and seconded by Ms. Tennyson.**

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

**SO ORDERED.**

**PLANNER’S REPORT**

- Website – Planning Department FAQs**

Ms. Malo stated that per Planning Board request, the Planning Department’s website will now have a section that will provide answers to frequently asked questions and links to municode and zoning maps. Mr. Gilleran thanked staff for responding quickly to the request.

Mr. Browning requested that access to the agenda on the city website be easier to locate.

**ADJOURNMENT**

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

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

**SO ORDERED.**

Meeting adjourned at 6:45 pm.

**Respectfully submitted by,**  
**Carlene Smith**  
**Development Review Administrator**  
**Planning Department**