

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

## **August 22, 2013 DRAFT MINUTES**

Chairman Richard Klitenick called the Key West Planning Board Meeting of August 22, 2013 to order at 6:15pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### **ROLL CALL**

**Present were:** Chairman Richard Klitenick, Vice-Chairman Tim Root, Sam Holland and Greg Oropeza

**Excused absence:** Michael Browning, James Gilleran and Lisa Tennyson

**Also in attendance were:** Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Fire Department, Jason Barroso; Planning Department staff: Brendon Cunningham and Nicole Malo.

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

- **August 15, 2013 Meeting**

**A motion to approve, the August 15, 2013 meeting minutes, with the amendments, was made by Mr. Greg Oropeza and seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **RESOLUTIONS**

#### **New Business**

1. **After-the-Fact Variances – 2501 Fogarty Street (RE# 00050510-000000, AK# 1051110)** – A request for side yard setback for a shed, and impervious surface ratio and building coverage requirements for an after-the-fact construction of new carport in the SF zoning district per Section 90-391, Sections 122-1182, 122-238(4)a, 122-238(4)b of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave an overview of the variance, 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 approves this request, staff would like to require the following condition:

The applicant enters into an easement agreement with the affected neighbor for the purpose of installing an eaves trough to direct rainwater into the swale required by the Engineering Department.

The applicant, Elizabeth Ann Warren and her Attorney gave members an overview of the modification request.

Ms. Warren had additional handouts that were given to the Board but had not been made available prior to this meeting.

There was one public comment opposed.

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**A motion to postpone the variance until the next Planning Board meeting on September 26, 2013 was made by Mr. Holland, and seconded by Vice Chair Root.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 2. Variances - 416 Elizabeth Street (RE# 00006240-000000, AK# 1006467) - A request for a variance for detached habitable space to construct a structure for use as a pool house or satellite bedroom in the HMDR zoning district per Section 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the variance; 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 approves this request, staff would like to require the following conditions:

1. The detached habitable structure shall not have cooking facilities nor be held out for rent and that there is a deed restriction put in place to that end.
2. That the setback areas are maintained in perpetuity for life safety access and no utilities or structures be erected in the area.
3. That a certificate of appropriateness is obtained from HARC.

The applicant's architect, Burt Bender, gave members an overview of the modification request.

There were no public comments.

**A motion to approve the variance with the Planning Department conditions was made by Vice Chair Root and seconded by Mr. Greg Oropeza.**

**Chairman Mr. Richard Klitenick wanted on record that the conditions should not be required with legislation in the process of being passed.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 3. Variances - 717 White Street (RE# 00022780-000000, AK# 1023574) - A request for side, street side and rear-yard setback requirements and detached habitable space to construct two buildings for use as a primary residence and satellite guest quarters with an art studio space in the HRCC-3 zoning district per Sections 122-600(6) b, c & d and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the variance; based on the criteria established by the Comprehensive Plan and the Land Development Regulation the Planning Department, recommends the request for variance be denied. However, if the Planning Board approves this request, staff would like to require the following conditions:

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1. The detached habitable structure shall not have cooking facilities, contain a commercial business nor be held out for rent.

The applicant, Debra Yates, gave members an overview of the variance request.

Mr. Barroso spoke with the applicant, Debra Yates, regarding the fence in the front yard and the gate to the pool area. There were no concerns after the conversation.

There was one public comment.

**A motion to postpone the variance until the next Planning Board meeting on September 26, 2013 was made by Mr. Sam Holland and seconded by Vice Chair Root.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

4. **Transient License Transfer - 520 Angela Street Front and Rear (RE# 00015700-000000, AK# 1016063; RE# 00015700-000100, AK# 1016071) - A request for a Transient License Transfer of three unassigned units and licenses to property in the HNC-1 zoning district per Section 122-1338 (2) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the transient license transfer; based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for transient license transfer be approved.

The Planning Department recommends Approval of the transient transfer of three units and associated licenses from unassigned status to 520 Angela Street, front and rear.

The applicant, Kate Miano, gave members an overview of the transient license transfer request.

There were no public comments.

**A motion to approve the transient license transfer was made by Vice Chair Root and seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

5. **Special Exception, Alcohol Sales in Proximity to a Church - 830 Truman Avenue (RE# 00030470-000000, AK # 1031241) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church and for property located within the HNC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the special exception, alcohol sales in proximity to a Church. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for an exception be approved with the following condition:

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1. The exception is granted exclusively to of Ashish Soni of Tejas, LLC, and Manager and is not transferable.
2. The sale of alcohol is for registered guests only.
3. Purchase of alcohol is for on premises consumption only.

The applicant Ashish Soni gave members an overview of the special exception, alcohol sales in proximity to a church request.

There were no public comments.

**A motion to approve the special exception, alcohol sales in proximity to a church with the Planning Department condition was made by Vice Chair Root and seconded by Mr. Greg Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

6. **HRCC-4 Land Use Element Amendments - Consideration of an ordinance amending the Key West Comprehensive Plan by amending the Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core of the Land Use Element as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon the revocation of the Mole Pier and the Truman Harbor previously deeded by the Navy; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for an Effective Date.zoning district per Sections 122-600(6) b, c & d and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the amendment. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the HRCC-4 land use element amendments be approved.

There were no public comments.

**A motion to approve the HRCC-4 land use element amendments was made by Vice Chair Root and seconded by Mr. Greg Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

7. **Zoning District Amendment - An ordinance of the City of Key West amending Chapter 122, of the Code of Ordinances entitled "Zoning" of Article IV, Division 5 by amending the HRCC-4 zoning district Section 122-756 entitled "Intent"; amending Section 122-757 entitled "Uses Permitted"; amending Section 122-758 entitled "Conditional Uses"; amending Section 122-759 entitled "Prohibited Uses"; and amending Section 122-760 entitled "Dimensional Requirements" ; and amending Division 11 by amending the HPS-1 zoning district Section 122-966 entitled "Intent"; amending Section 122-967 entitled "Uses Permitted"; amending Section 122-968 entitled "Conditional Uses"; and amending Section 122-970 entitled "Dimensional Requirements" for amendments to zoning district regulations for the lands within the designated Truman Waterfront Park area; and amending Section 122-1111 entitled "Table of**

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**Land Uses by District”; and Section 122-1151 entitled “Size and Dimension”, “Table of Size and Dimension”; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.**

Ms. Malo gave members an overview of the zoning district amendment. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for the zoning district amendment be approved.

There were no public comments.

**A motion to approve the zoning district amendment was made by Vice Chair Root and seconded by Mr. Greg Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

**PLANNER’S REPORT**

There was no Planner’s Report.

**ADJOURNMENT**

**A motion to adjourn was made by Vice Chair Root and seconded by Mr. Greg Oropeza.**

**SO ORDERED.**

Meeting adjourned at 7:48 pm.

**Respectfully submitted by,  
Stacy Gibson  
Administrative Assistant II  
Planning Department**