

Minutes of the Key West Planning Board

November 9, 2010

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Chairman Richard Klitenick called the Key West Planning Board Special Meeting of November 9, 2010 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, Jim Gilleran, Gregory Oropeza, Michael Browning, Sam Holland, Jr. and Lisa Tennyson.

Excused Absence: Vice-Chairman, Tim Root

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; KW Fire Department, Alan Averette; and Planning Department staff, Brendon Cunningham, Ashley Monnier and Patrick Wright.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

1 September 16, 2010 – Meeting Minutes

A motion to approve the September 16, 2010 meeting minutes was made by Mr. Holland and seconded by Mr. Gilleran.

Motion carried by unanimous voice vote.

SO ORDERED.

ACTION ITEMS

- 2 Variances - 412 William Street (RE# 00006070-000000) - An application for variances to a non-conforming historic structure for minimum lot requirements, and front and side yard setback requirements, for a renovation project in the Historic Medium Density Residential (HMDR) zoning district, as required when reconstruction exceeds 66 percent of the assessed or appraised value, for property located at 412 William Street, per Sections 122-600 (5.) and 122-600 (6.) (a.) and (b.) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Monnier gave members an overview of the variances request whose proposed renovations exceed 66% of the assessed value of the existing residential structure. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommend the request for variance be denied. However, should the Planning Board approve the variance request, the Planning Department recommends that the following conditions be included:

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- Darker-lined plans, scaling corrections, proper elevation measurement, and dimension labeling need to be incorporated into the site plans.
- Obtain approval for aspects of site plans not previously approved by HARC.

The applicant's representative, Harvey Server, gave members an overview of the variances request.

There were no public comments.

Mrs. Kimball-Murley clarified for members that the request for revised plans was due to the fact the architect was out of town when the application was submitted and the plans submitted were not easily reproduced. Should this variance be approved we would need revised plans that are consistent with HARC approved plans as well as a cleaner copy of the plans that show dimensions so that the file can be well established. In addition, site plans are attached to resolutions; therefore, it is imperative that the plans be detailed.

Mr. Klitenick confirmed with Mr. Erskine that legal concurs with the condition on revised plans that the Board has not seen. Mr. Erskine stated that the condition is going to be tied into staff approving the plans, which we have done in the past.

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

Motion was carried by unanimous voice vote.

SO ORDERED.

- 3 Variance - 1901 Flagler Avenue (RE# 00045080-000000) - An application for variances for a non-conforming contributing building listed in the historic architectural survey for impervious surface, building coverage, street side yard, front yard and rear yard setback requirements, for a renovation project in the Limited Commercial (CL) zoning district, as required when reconstruction exceeds 66 percent of the assessed or appraised value, for property located at 1901 Flagler Avenue, per Sections 122-390 (4)a. and b., 122-390 (6) a. and c., Section 122-28 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley gave members an overview of the variance request. She informed members that the proposed renovations exceed 66% of the assessed value of the existing mixed use structure. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommend the request for variance be denied. However, if the Planning Board chooses to approve the variance application, the Planning Department recommends the following condition:

- That the application for an easement for right-of-way encroachments be approved by the City Commission prior to building permit issuance.
- Tree Commission approval is required prior to building permit issuance.

Mrs. Kimball-Murley added that the first condition was met after the report had already been prepared.

The owner's representative, David Knoll, gave members an overview of the variance request.

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Mr. Knoll clarified for members that the footprint is staying the same and that the staircase was reconfigured to meet code and fire requirements.

There were no public comments.

A motion to approve the variance request to include the condition to obtain Tree Commission approval prior to building permit issuance was made by Mr. Oropeza and seconded by Mr. Klitenick.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 4 Variances - 803 Emma Street (RE# 00014650-000000) - An application for variances to increase building coverage and impervious surface ratio and to existing setback requirements in the Historic Neighborhood Commercial (HNC-3) zoning district for property located at 803 Emma Street (RE#00014650-000000), per Section 122-870 (4) & (6) as required when the reconstruction exceeds 50% of the assessed or appraised value of the structure per Section 122-28 (d) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley gave members an overview of the variances request. She informed members that the proposed renovations exceed 50% of the assessed value of the existing structure. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be denied.

The owner's representative, Michael Miller, gave members an overview of the variances request. He informed members that there have been renovations since it was originally built.

Mr. Gilleran commended Mr. Miller for the detailed site plans.

The following members of the public spoke on the matter:

- Millicent Weech, 733 Olivia
- Shirley Freeman, 724 Eaton
- Josephus Chaplan

Mrs. Kimball-Murley stated that an easement is in play; however, it was not added as a condition. Therefore, she recommended that if the Planning Board chooses to approve the variances request, that the applicant obtain a side yard easement as a condition. Mr. Erskine added that the applicant obtain an easement from the neighboring property owner in a form acceptable to the City Attorney's office that addresses issues that were raised at the DRC by the Fire Department. Mr. Averette confirmed that an easement is needed. The applicant was in agreement with adding the condition.

A motion to approve the variances request with the condition to obtain an easement from the neighboring property owner to the satisfaction of the City Attorney and Fire Department was made by Mr. Browning and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

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Mr. Gilleran complimented the members of the community who collaborated on this project and stated that it was a great example of Key West coming together.

5 Variance - 816 -818 White Street (RE# 00022250-000000) - An application for a variance to impervious surface ratio requirements in the Historic Neighborhood Commercial (HNC-2) zoning district per Section 122-840(4)b of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mrs. Kimball-Murley gave members an overview of the variances request. She informed members that the variance is to impervious surface ratio. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be denied.

The owner's representative, Rick Milleli, gave members an overview of the variance request.

Mr. Browning asked Mr. Milleli if he had met with the neighbor. Mr. Milleli stated that he called the neighbor this morning to discuss the neighbor's concerns about the drainage. Mr. Milleli stated that he is a civil engineer and through his calculations, the improvements to the property would decrease the drainage to Mr. Meece's property.

Ms. Tennyson asked Mr. Milleli if his calculations and stormwater plan were submitted to the Building Department. Mr. Milleli stated that they were but that the grading plan had not been since it was more conceptual. She then asked if it was typical practice after a project is constructed to re-shoot the elevations to ensure that the plan proposed is functioning and the slopes are what were proposed. Mr. Milleli stated that City Staff verifies elevations during the inspection process.

Mr. Milleli informed Mr. Browning that the berm in the back would be 2 x 12. Mr. Milleli confirmed for members that the swale is shown on the plans.

Mr. Klitenick voiced his concern that the neighbor had an objection five days ago and why the applicant did not work to resolve it until the morning of the hearing. Mr. Milleli stated that he was not made aware of the concern until last Friday. Mr. Klitenick stated that the good neighbor policy is an integral part of the process and this affects the most closely affected neighbor.

The following members of the public spoke on the matter:

- Allen Meece, 807 Ashe
- Rosalyn Meece, 807 Ashe

Mr. Browning asked Mr. Meece if they are not in agreement with the proposed plans. Mr. Meece stated that they appreciate the applicant's efforts but that the swale will only delay the flooding for half an hour to an hour before it comes into their property.

Mr. Browning asked Mr. Milleli if he would like the opportunity to meet with the neighbors to try to resolve these issues. Mr. Milleli stated that he believes they have done their due diligence by adding the swales and checking the drainage. In addition, the pool will be closed from dusk until dawn and signs will be posted and guests will be notified. Mr. Milleli added that the owner will be adding a trench area in front of his building to help with drainage. He believes the owner has gone to great lengths to address some of the stormwater issues.

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Mr. Browning asked Mr. Milleli if he would like to postpone for 30 days to meet with Mr. Meece and resolve the drainage issues.

Ms. Tennyson stated that she shares the neighbor's concerns. She added that this is neither a hardship case nor a case where the 90% impervious surface is due to the footprint of the building. This is our opportunity to undo a 90% impervious surface situation.

Mr. Milleli requested the item be tabled so that they can meet with the neighbors to address stormwater issues and perhaps come up with some different ideas about how to retain more stormwater on site.

A motion to postpone the variance request to the December Planning Board meeting was made by Mr. Browning and seconded by Mr. Oropeza.

Mrs. Kimball-Murley stated that staff would need ample time to review any changes made to the stormwater plan.

Motion carried by 4-2 voice vote; opposed by Mr. Gilleran and Ms. Tennyson.

SO ORDERED.

PLANNER'S REPORT

No report was given.

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 7:03 pm.

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