

# Minutes of the Key West Planning Board January 16, 2014 **DRAFT MINUTES**

Chairman Richard Klitenick called the Key West Planning Board Meeting of January 16, 2014 to order at 6:00pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

## ROLL CALL

**Present were:** Chairman Richard Klitenick, Vice-Chairman Tim Root, Michael Browning, Sam Holland, Peter Pike and Lisa Tennyson

**Excused absence:** James Gilleran

**Also in attendance were:** Planning Director, Donald Craig, Chief Assistant City Attorney, Larry Erskine; Planning Department staff: Kevin Bond, Brendon Cunningham, and Stacy Gibson.

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

Mr. Don Craig stated that the Planning Department wanted to postpone Item 1 and 2, 1200 White Street, to TBD because applicant had not provided application revisions by deadline of December 20, 2013.

The applicant's new representative, Owen Trepanier, Trepanier & Associates, gave members a date of February 20, 2014 for revised application to be ready to be heard.

A discussion ensued.

A motion to approve the amended agenda with Item 1 and 2, 1200 White Street being postponed to March 20, 2014 was made by Mr. Michael Browning and was seconded by Mr. Sam Holland.

Motion carried by unanimous voice vote.

SO ORDERED.

## APPROVAL OF MINUTES

- November 21, 2013 Meeting

A motion to approve the November 21, 2013 meeting minutes was made by Mr. Tim Root and seconded by Mr. Michael Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

## RESOLUTIONS

### Old Business

1. **Conditional Use – 1200-1212 White Street and 1124 Catherine Street (RE# 00033010-000000 / 00033050-000000; AK# 1033774 / 1033812)** – A request to allow small recreational power-driven equipment rentals, light industrial, and restaurant in the HNC-1 zoning district per Section 122-808 (12-14) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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**This item has been postponed to the March 20, 2014 Planning Board meeting.**

- 2. Variance – 1200-1212 White Street and 1124 Catherine Street (RE# 00033010-000000 / 00033050-000000; AK# 1033774 / 1033812)** – A request to allow 7 off-street parking spaces for the 10 parking spaces required in the HNC-1 zoning district per Section 108-572 (9) and (10) and of the Land Development Regulations of the Code of Ordinances of the City of Key West.

**This item has been postponed to the March 20, 2014 Planning Board meeting.**

### New Business

- 3. Conditional Use – 611 Duval Street (RE# 00012330-000000; AK# 1012670)** – A request to allow alcohol sales with on premises consumption in the HRCC-1 zoning district per Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave an overview of the conditional use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for conditional use be **approved** with the following conditions to be applied to a Conditional Use Approval Permit:

1. Hours of operation are limited as follows: Monday through Sundays from 10am to 10pm.
2. The accessory four-seat wine bar is approved for the indoor sale and consumption of beer and wine only.
3. There will be no amplified live music or outdoor music on the premises.
4. There will be no additional seats or consumption area allowed without further City approvals.

The applicant, Kurt Matarazzo gave members an overview of the request.

Mr. Matarazzo was in agreement with the conditions recommended by staff.

There were no fire concerns or comments at this time.

There were no public comments.

**A motion to approve the conditional use was made by Mr. Sam Holland and seconded by Mr. Tim Root.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 4. Parking Variance – 313 Duval Street (RE# 00004300-000000; AK# 1004472)** – A request for a variance the minimum parking space requirement in order to convert an existing retail area to a new bar service area for an existing restaurant on property located within the Duval Street Gulf side (HRCC-1) Zoning District pursuant to Section 108-572 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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Mr. Bond gave an overview of the parking variance request. Based on the above analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the requested variances be **DENIED**.

However, if the Planning Board approves the requested variance, the Planning Department recommends the following conditions:

Conditions required to be completed prior to the issuance of a building permit:

1. The owner shall obtain a Certificate of Appropriateness for the proposed development.

Conditions required to be completed prior to a Certificate of Occupancy and/or final inspection:

2. One existing off-street parking space shall be adapted to provide one ADA-compliant accessible parking space with an access aisle in a location and design to the satisfaction of the city building official.

There were no fire concerns or comments at this time.

There were no public comments.

**A motion to approve the parking variance to include Planning Department recommended conditions was made by Mr. Tim Root and seconded by Mr. Michael Browning.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

5. **Variance - 825 Duval (RE# 00016830-000000; AK# 1017230)** - A request for a building coverage variance to erect a canopy to cover an existing outdoor-dining area at property in the HRCC-3 zoning district per Section 90-391 and Section 122-750(4)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Klitenick recused himself from the item due to a conflict of interest. He then passed the gavel to Vice-Chairman Mr. Root and left the Dias.

Mr. Bond gave members an overview of the variance request. Based on the analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the requested variances be **DENIED**.

However, if the Planning Board approves the requested variances, the Planning Department recommends the following conditions:

Conditions required to be completed prior to the issuance of a building permit:

1. The owner shall bring the property into compliance with Planning Board Resolution Nos. 2012-40 and 2012-48, including but not limited to the installation of six shrubs in the "No Parking Area," one Simpson stopper tree in the concrete curbed area between parking spaces 3 and 4, and the location of the bicycle parking area between parking spaces 6 and 7.
2. The owner shall obtain a Certificate of Appropriateness for the proposed development.

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Conditions required to be completed prior to a Certificate of Occupancy and/or final inspection:

2. Fireproofing of the canopy material shall be required as approved by the City Fire Marshall and Building Official.

The applicant, Mr. Ted Linz, Miami Awning Company, gave members an overview of the request.

Fire required that the Owner/Contractor shall meet the criteria of NFPA 701 for awnings & canopy. Do not block ingress/egress.

Mr. Linz was in agreement with the conditions recommended by staff.

There were no public comments.

**A motion to approve the variance was made by Mr. Sam Holland and seconded by Ms. Lisa Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

Chairman Richard Klitenick returned to the Dias.

6. **Variance – 1224 Duval Street (RE# 00028970-000000; AK# 1029751)** – A request for variance to detached habitable space to renovate an existing office building to create a pool house with residential bedroom and one and a half bathrooms on property located within the Historic Residential Commercial Core - Duval Street Oceanside (HRCC-3) Zoning District pursuant to Section 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave an overview of the variance request. Based on the above analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the variance request be **DENIED**.

However, if the Planning Board approves the requested variance, the Planning Department recommends the following conditions:

Conditions required to be completed prior to the issuance of a building permit:

1. The owner shall apply for a transient license transfer for one additional transient license.
2. The owner shall obtain a Certificate of Appropriateness for the proposed development, if applicable.

Conditions required to be completed prior to a Certificate of Occupancy and/or final inspection:

3. A deed restriction shall be placed on the property such that the property as a whole shall be rented, advertised or held out to only one party at a given time if and when the property receives an additional transient license for the detached bedroom. Entrances to all bedrooms and the detached habitable space shall share the same key or means of controlling access so that the bedrooms are not divisible into separately rentable units. The owner shall have the deed restriction prepared and sent to the City

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Attorney within 30 days of the effective date of the variance approval. The owner shall bear any expense of preparing and recording the deed restriction.

4. The pool house building shall be elevated so that the height of the first finished floor is at least +1.0 feet above base flood elevation.

The applicant, Mr. Greg Oropeza, Smith / Oropeza, P.L., gave members an overview of the request.

Fire required the following conditions:

- 1) Owner/Contractor shall maintain 5 Ft. setback free & Clear for emergency responders.
- 2) Pool House Smoke detectors shall be connected to the main house to alert all occupants of both houses in the event of activation.
- 3) Pool house to be brought into compliance with life safety transient rental requirements prior to C/O.

Ms. Gibson informed members that one comment was received in opposition.

There were no public comments.

**A motion to approve the variance requests was made by Tim Root to include Planning Department recommended conditions as well as a modification to Certificate of Occupancy and/or final inspection; condition #3 to change the language to read,**

**Unless and until the owner receives City approval for a second dwelling unit, a deed restriction a form acceptable to the city attorney shall be placed on the property such that the property as a whole shall be rented, advertised or held out to only one party at a given time if and when the property receives an additional transient license for the detached bedroom. Entrances to all bedrooms and the detached habitable space shall share the same key or means of controlling access so that the bedrooms are not divisible into separately rentable units. The owner shall bear any expense of recording the deed restriction.**

**Motion was seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

7. **Alcohol Sales Special Exception – 728 Simonton Street (RE# 00015800-000100; AK# 1016187) – A request for special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral home for property located within the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida.**

Mr. Bond gave an overview of the alcohol sales special exception request. Based on the criteria established by the Comprehensive Plan and the City Code, the Planning Department recommends the request for special exception be **APPROVED** with the following conditions:

1. The special exception is granted exclusively to Terry G. Jones, Manager of Deuce's Trio LLC, and shall not be transferable.

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2. The special exception shall only be effective in conjunction with a 2COP alcoholic beverage license for on-premises consumption of beer and wine for the restaurant use of the property.

The applicant, Mr. Terry Jones, gave members an overview of the request.  
There were no public comments.

**A motion to approve the special exception for alcohol sales was made by Mr. Tim Root to include Planning Department recommended conditions as well as a modification to condition #1 to change the language to read,**

**The Special Exception is granted exclusively to Terry G. Jones, so long as he remains majority owner of Deuce's Trio LLC, and shall not be transferable.**

**Motion was seconded by Ms. Lisa Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

**PLANNER'S REPORT**

In reference to Mr. Michael Browning's concerns, regarding the relocation of the road from concerned citizens, Mr. Craig gave members an update on Higgs Beach. He stated that no major changes have been made on the relocation of the road.

He then stated that the Planning department will hold a public meeting on February 5th to discuss the LDR Overhaul. He notified members that the BPAS ordinance, assuming that DEO will have no appeals, will be effective March 1, 2014.

**ADJOURNMENT**

**A motion to adjourn was made by Mr. Tim Root and seconded by Mr. Michael Browning.**

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

**SO ORDERED.**

Meeting adjourned at 7:25 pm.

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