

Minutes of the Key West Planning Board

November 18, 2010 **DRAFT**

Chairman Richard Klitenick called the Key West Planning Board Meeting of November 18, 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, Marcus Delvalle; and Planning Department staff, Carlene Cowart, Brendon Cunningham, Nicole Malo and Patrick Wright.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. Kimball-Murley informed members that items three through five have requested postponement to time certain.

A motion to approve the amended agenda was made by Mr. Browning and seconded by Mr. Holland.

Motion carried by unanimous voice vote.

SO ORDERED.

Each member expressed their gratitude to Mrs. Kimball-Murley for her hard work and commitment. Planning Staff presented Mrs. Kimball-Murley with a plaque for their appreciation for the professional guidance she demonstrated during her time as Planning Director.

The following members of the public expressed their appreciation:

- Nicole Malo, Planning Staff
- Commissioner Johnston
- Margaret Romero, 1615 Washington
- David Fernandez, Assistant City Manager
- Pritam Singh, 1010 Kennedy

ACTION ITEMS

- 1 Conditional Use - 201 Truman Avenue (RE# 00015120-000000) - An application for Conditional Use approval for a fire station located at 201 Truman Avenue, in the HMDR zoning district per Section 122-598 (7) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Browning disclosed that he was contacted by Commissioner Wardlow and Omar Garcia regarding the project and that issues discussed did not prejudice his decision-making capacity.

Mr. Oropeza, Mr. Klitenick and Mr. Holland disclosed that they were contacted by Omar Garcia regarding the project and that issues discussed did not prejudice their decision-making capacity.

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Mrs. Kimball-Murley gave members an overview of the variance request. She informed members that this is a Conditional Use request for the relocation of Fire Station Number 2 from Angela Street to 201 Truman Avenue. The Planning Department, 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 condition:

1. The carport be removed upon the Fire Department's vacation of the site.

Mrs. Kimball-Murley clarified for members that the current site is a one engine facility. Ms. Tennyson asked approximately how many calls the station receives a week. Mike Davila, Division Chief, stated that the station receives an average of three to four calls per day.

Fire Chief David Fraga gave members an overview of the proposed fire station.

Assistant City Manager, David Fernandez, informed members that a new roof would be required if the fire station remained at 525 Angela. He then stated that the City has bids out for demolition and are prepared to level the site at 525 Angela.

The following members of the public spoke on the matter:

- Margaret Romero, 1615 Washington
- Alfridiva Butler, 209 Julia Street
- Omar Garcia, 1204 Terrace

Board members reviewed and discussed the request with the applicant, staff and members of the public who spoke on the matter. Members addressed concerns over neighborhood impact. Mr. Gilleran expressed his confidence in the Fire Department's ability to maneuver through narrow streets.

A motion to approve the conditional use request to include the condition from the Planning Department was made by Mr. Gilleran and seconded for discussion by Mr. Browning.

Members voiced their concern over safety conditions and duration of occupancy at the proposed location.

Mr. Gilleran withdrew his original motion.

A motion to approve the conditional use request with the following conditions was made by Mr. Gilleran and seconded by Mr. Klitenick:

1. The carport will be removed upon the Fire Department's vacation of the site;
2. The Fire Station will not be relocated to 201 Truman Avenue until the Building Official determines that the existing structure at 525 Angela Street is unsafe and unsanitary pursuant to city code; and
3. Upon the Fire Station relocation to 201 Truman Avenue, occupation of the property as a fire station is limited to 36 months.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 2 **Conditional Use Modification - 1010 Kennedy Drive (RE# 00065650-000500) – A modification to a conditional use approved via Planning Board Resolution 2010-028 for a**

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proposed wireless facility as a private utility in the CG zoning district per Section 122-418(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Oropeza informed members that he has a conflict that warrants his recusal. Mr. Oropeza left the dias during the discussion.

Mrs. Kimball-Murley gave members an overview of the conditional use modification request. She stated that the request is a modification to an existing Conditional Use approval to accommodate a 125 foot tall monopole and equipment shelters for up to five wireless providers. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for conditional use be approved with the following conditions:

1. The applicant must receive a height variance from the City of Key West Board of Adjustment.
2. The site plan package, including general notes, equipment shelter notes, and tower notes are fully incorporated into this approval and constitute conditions of approval.
3. Pending National Historic Preservation Act approvals as required for the facility will be obtained prior to construction.

The applicant's legal representative, Ginny Stones with Stones and Cardenas, gave members an overview of the request.

Ms. Tennyson asked staff for clarification if the 125 foot monopole is a trade off for not getting the second monopole and if so, is there an agreement in place. She also asked if there is anything in place to prevent the applicant of the second monopole to come back in a year and put in another request. Mr. Erskine stated that if this application gets approved, the existence of this tower would not keep them from applying but he thinks that based on all of the arguments we have seen made in the past few months, they would have an extremely difficult time coming forward and making any justifications. He then added that the applicant of the other tower has an agreement to withdraw the request, but it does not mean that that applicant or any other applicant could not come forward in the future.

The applicant, Pritam Singh, informed members that he has a joint venture agreement with the other tower applicant. He then clarified that neither party can apply for another tower within this area.

A motion to approve the conditional use modification request was made by Mr. Browning and seconded by Mr. Holland.

Motion carried by 4-1 voice vote (opposed by Ms. Tennyson).

SO ORDERED.

- 3 Major Development Plan – Mallory Square (RE# 00072082-001100, 00072082-001400 and 0072082-003700) – A Major Development Plan application for redevelopment of a restaurant and adjacent property located in the HPS zoning district per Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

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Applicant has requested postponement to time certain.

- 4 Variances – Mallory Square (RE# 00072082-001100, 00072082-001400 and 0072082-003700) –Variances for impervious surface ratio and side yard setback requirements in the HPS zoning district per Section 122-960(4)b. and Section 122-960(6)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Applicant has requested postponement to time certain.

- 5 Conditional Use Extension – 2832 North Roosevelt Blvd (RE# 00065380-000000) - A request for an extension to a conditional use approval per Planning Board Resolution 2009-048 for a wireless facility in the Commercial General (CG) zoning district per Section 122-63(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Applicant has requested postponement to time certain.

PLANNER’S REPORT

Mrs. Kimball-Murley thanked the Planning Board, staff and members of the public for their support during her time as Planning Director. She then gave members an overview of workload that is handled by the Planning Department. She stressed that this has never been about her, but about the team of people that worked with her every day to carry forward these functions. She then stated that this board is the most talented board she has ever had the pleasure to work with.

ADJOURNMENT

A motion to adjourn was made by Mr. Oropeza and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:40 pm.

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