

Minutes of the Key West Planning Board
September 20, 2012 DRAFT ACTION MINUTES

Chairman Richard Klitenick called the Key West Planning Board Meeting of September 20, 2012 to order at 5:58pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Chairman Richard Klitenick, Vice-Chairman Tim Root, Lisa Tennyson and Michael Browning.

Excused absence: James Gilleran, Sam Holland, Greg Oropeza.

Also in attendance were: Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Planning Department staff: Brendon Cunningham, Carlene Smith, Nicole Malo, Ginny Haller and Karen de Berjeois.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Craig requested that 1200 White Street be postponed to the next Planning Board Meeting.

Chairman Richard Klitenick requested item #2, 825 Duval be heard first.

A motion to approve the amended agenda by Mr. Browning and seconded by Vice-Chairman Root.

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

Chairman Richard Klitenick requested misspelling on page 2 be corrected.

August 30, 2012 Meeting

A motion to approve the August 30, 2012 amended meeting minutes was approved by Mr. Browning and seconded by Vice-Chairman Root.

Motion carried by unanimous voice vote.

SO ORDERED.

RESOLUTIONS

New Business

- 2 Parking Variance – 825 Duval Street (RE# 00016830-000000) – A variance in the HRCC-3 zoning district requesting the waiver of parking requirements for 9 automobile spaces required for new commercial floor area as per Section 108-572(9), and allow only 8 spaces; waiving 1 space for bicycle substitution as per Section 108-574 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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Ms. Haller gave members an overview of the parking variance. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended that the request for variance to waive nine with only eight off-street parking spaces be denied. However, should the Planning Board approve the request for variance to waive the 9 off-street parking spaces and allow only 8; the Planning Department recommends the following conditions:

1. The size of the outdoor consumption area be limited to not more than 418 square feet (19' X 22'), and limited to not more than 30 seats, for a total of 45 seats, inside and out;
2. Applicant must apply for a landscape buffer waiver per Sections 108.413 and 108.517 of the Code of Ordinances, and the request for the waiver must be accompanied by a landscape plan prepared by a licensed landscape architect for the areas marked "No Parking Area," and "Concrete Curbed Area" on the site plan dated August 17, 2012;
3. Any fence, barrier, lighting, and signage for the outdoor area shall be approved by HARC;
4. The access route should be 4.5 feet (not 3.0 feet) with a drive apron of 30 inches (24 inch + 6 inch curb);
5. The ADA parking space can be reduced in size (10 feet) to allow for garbage can totes at edge of property.

The applicant's representative, Barry Barroso, was available for questions.

The following members of the public spoke on the matter:

- Omar Garcia, 1204 17th
- Mela de Mier, (no address given)

A motion to approve the parking variance request to include the five conditions was made by Mr. Browning and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 3 Rescinding PB Resolution 2005-041 (Transient License Transfer from 915 Windsor Lane, RE# 00020091-000000 to 3591 S Roosevelt Boulevard, RE# 00054350-000000) - Dissolving the previously adopted Planning Board Resolution 2005-041 pursuant to Chapter 122, Article V, Division 6, Sections 122-1336 through 122-1345, subpart B, Land Development Regulations of the Code of Ordinances of the City of Key West.**

Chairman Richard Klitenick disclosed that he represented the applicant on a related matter, but not on this item.

Mr. Cunningham gave members an overview of the request to rescind Planning Board Resolution 2005-041.

There were no public comments.

A motion to approve rescinding Planning Board Resolution 2005-041 for the Transient License Transfer request was made by Vice Chairman Root and seconded by Mr. Browning.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 4 Variances - 1315 United Street (RE# 00035460-000000) - A request for front and side-yard setback, building coverage and impervious surface ratio requirements in the HMDR zoning district per Sections**

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122-600 (4) a. & b. and 122-600 (6) a. & b. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the variances request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for variance be denied.

The applicant's architect, Bill Rowen, gave members an overview of the request.

The following members of the public spoke on the matter:

- Michael Stefanowicz

A motion to approve the variances request was made by Vice-Chairman Root and seconded by Mr. Browning.

Motion was carried by unanimous voice vote.

SO ORDERED.

5 Exception for Outdoor Merchandise Display - 501 Greene Street, Unit C (RE# 00000520-000000) - A request to allow the display of merchandise sold in-store in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the Exception for Outdoor Merchandise Display. Based on criteria in the City Code, the Planning Department recommended the request for Exception to Outdoor Merchandise Display be approved per the proposed plan to allow merchandise as currently displayed with the following conditions:

1. The Exception for the Outdoor Merchandise Display is limited to the open doors of the shop, and will not be placed in the City right-of-way.
2. The Exception for the Outdoor Merchandise Display will only be present during hours of operation.
3. The Exception for the Outdoor Merchandise Display is specific to the current tenant, Alon Croitora, and granted for 60 months.
4. The Exception will provide clear access for ADA and fire accessibility, with a minimum pathway of thirty-six inches around each display.
5. The Exception is limited to two (2) open doors and one (1) model ship.
6. All signage installed without benefit of a permit will be removed including the flag. Any new signage requires HARC approval.

The applicant, Alon Croitoru, gave members an overview of the request.

There were no public comments.

A motion to approve the exception for outdoor merchandise display request with conditions was made by Vice-Chairman Root and seconded by Mr. Browning.

Motion was carried by unanimous voice vote.

SO ORDERED.

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- 1 Exception for Outdoor Merchandise Display – 812 Caroline Street (RE# 00003150-000000) – A request to allow the display of merchandise sold in-store, for Red Door Gallery, Inc., in the HNC-2 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the exception for outdoor merchandise display. Based on criteria established by the City’s Comprehensive Plan and Land Development Regulations, the Planning Department recommended the request for Exception to the Outdoor Merchandise Display be approved per the proposed plan with the following conditions:

1. The Exception is limited to 60 months, as shown on the site plan for:
Unit A
 - Display of merchandise hanging within the frame of the door (either open or closed) and three shelves adjacent to the door on Elizabeth Street.
 - Display on the shutters and hanging mask display on the window facing Lazy Way Lane.
Units A-1 and B
 - Display of merchandise hanging from the wooden panels on the double doors (either open or closed).
 - One small wooden chair and two 32”x 32” wooden tables to be located as shown on the site plans for fire access.
 - Three wooden shelves adjacent to the double doors.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, Donald Kilgore, and granted for a term of 60 months.
4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
5. Exceptions to Section 106-51 may be revoked by the Planning Board after notice and hearing on grounds that:
 - a) The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section;
 - b) The Exception was granted pursuant to mistaken or misleading information; or
 - c) The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of this Exception.
6. The City Manager or the Planning Board upon written petition by any City resident may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.
7. That no display is allowed within 36” of the door way access for ADA and Fire access.

The applicant, Rene Blais, gave members an overview of the request.

The following member of the public spoke on the matter:

- Emily Hardner, 1005 Eaton

A motion to approve the exception for outdoor merchandise display request to include all conditions and amend condition #1 “display of artwork” was made by Mr. Browning and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 6 Transient License Transfer - 1209 Georgia Street (RE# 00035220-000000) to 421 Virginia Street (RE# 00027160-000100) – A request for a Transient License Transfer from property in the HMDR zoning**

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district to property in the HRCC-3 zoning district per Section 122-1339 (b) 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 request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended Approval of the transient transfer of one license originally located at 1209 Georgia Street to 421 Virginia Street.

The applicant, Ginny Stones, gave members an overview of the request.

There were no public comments.

A motion to approve the Transient License Transfer request was made by Vice-Chairman Root and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 7 Conditional Use - 1200 White Street (RE# 00033010-000000) - A request to allow small recreational power-driven equipment rentals in the HNC-1 zoning district per Section 122-808 (14) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Postponed to the next Planning Board meeting on October 18, 2012.

PLANNER'S REPORT

Mr. Craig informed members that the department will be updating HARC, Planning and Tree Commission fees.

ADJOURNMENT

A motion to adjourn was made by Vice-Chairman Root and seconded by Mr. Browning.

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:12 pm.

**Respectfully submitted by,
Karen de Berjeois
Administrative Assistant II
Planning Department**