

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

## **June 20, 2013 DRAFT MINUTES**

Chairman Richard Klitenick called the Key West Planning Board Meeting of June 20, 2013 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### **ROLL CALL**

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

**Excused absence:** Michael Browning.

**Also in attendance were:** Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Fire Department, Jason Barroso; Department staff: Virginia Haller, Jo Bennett and Katrina Cool.

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

**Mr. Craig informed members that items 2, 3, 7 and 9 through 12 were requesting postponement until the July 18<sup>th</sup> Planning Board meeting.**

**A motion to approve the amended agenda was made by Vice-Chairman Root and seconded by Ms. Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **APPROVAL OF MINUTES**

- **March 21, 2013 Meeting**

**A motion to approve the March 21, 2013 meeting minutes was made by Mr. Gilleran and seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- **April 18, 2013 Meeting**

Chairman Klitenick stated that the conditions listed under agenda item 5 should indicate that the outdoor storage of motorcycles should not take up existing lined parking spaces.

**A motion to approve the April 18, 2013 meeting minutes was made by Mr. Oropeza and seconded by Vice-Chairman Root.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

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- **May 23, 2013 Meeting**

A motion to approve the May 23, 2013 meeting minutes was made by Mr. Gilleran and seconded by Vice-Chairman Root.

Motion carried by unanimous voice vote.

**SO ORDERED.**

### RESOLUTIONS

#### Old Business

1. **Variances – 317 Catherine Street (RE# 00026330-000000, AK# 1027120) – A request for rear yard setback, building coverage requirements and detached habitable space for pool house, pool and deck in the HMDR zoning district per Section 90-391, Section 122-600(6)c, 122-600(4)a, and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller 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 variances be **denied**. However, should the Planning Board approve the request for variances; the Planning Department recommended the following conditions:

1. The pool house structure shall not be rented as complete, independent living quarters and shall not include a kitchen;
2. The root system of the existing tree on the property is protected during construction;
3. That no windows of the proposed addition face the property at 316 Amelia Street.

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

There were no public comments.

**A motion to approve the variances request to include Planning Department recommendation with the conditions below was made by Mr. Gilleran and seconded by Mr. Holland.**

1. Mr. Erskine requested the variances request include the execution and recording of a deed restriction condition with legal description.

Motion carried by unanimous voice vote.

**SO ORDERED.**

2. **Conditional Use - 146-150 Simonton Street (RE# 00000290-000000, AK# 1000281 aka 110-124 Simonton Street) - A request to amend an existing Conditional Use to convert an Arcade/Bingo Hall to a Bar/Lounge 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.**

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Item was postponed to the July 18<sup>th</sup> meeting.

3. **Exception for Outdoor Merchandise Display - 1200 Duval Street (RE# 00029110-000000, AK# 1029891) - A request to allow the display of merchandise in the HRCC-3 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item was postponed to the July 18<sup>th</sup> meeting.

4. **Major Development Plan - 1015-1025 Simonton Street (RE# 00027070-000000, AK# 1027847) – A request for the redevelopment of the existing Southernmost Cabana Resort in the HNC-1 zoning district per Section 108-91 (A)(2)a of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller and Mr. Craig gave members an overview of the Major Development Plan request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for Major Development Plan be **approved** with the following conditions:

### **Conditions to be completed prior to the issuance of a Building Permit and ongoing through construction:**

1. Plans cited as basis for approval dated May 1, 2013.
2. That the approval of the Major Development Plan be contingent upon the approval of the variances to off-street parking requirements, impervious surface and landscape waiver;
3. That Certificates of Elevations shall be provided to confirm that the structure meets FEMA base flood elevation requirements;
4. That a stormwater plan for the proposal be submitted that meets City, State and South Florida Water Management best practice requirements;
5. Submit a full set of plans, project review forms, and CAD files to Keys Energy in response to their comments of the Development Review Committee meeting of April 25, 2013;
6. A landscape plan consistent with the site plan shall be submitted and a final landscape plan be approved by the Tree Commission;
7. A site lighting plan consistent with the City's dark sky lighting standards as per Section 108-284 shall be submitted;
8. In order to reduce impacts on the surrounding community, a Construction Management Plan will be followed with an emphasis on keeping noise, dust and debris to a minimum. The Plan shall include:
  1. A six foot opaque construction fence will be erected around the property and maintained throughout the construction period;
  2. During demolition and removal of the trailers, the area will be pressure sprayed with water to control dust;
  3. Adjacent streets shall be cleared of dust, dirt, and debris at the end of each work day;
  4. All waste containers shall be covered at the end of each working day;

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5. Current regulations as to the start and stop of each work day will be met: Monday through Friday 8:00 am to 7:00 pm and Saturdays 9:00 am to 5:00 pm with no Sundays or holidays; and
6. Virginia and Simonton Streets remain open during construction;

### **Conditions to be completed prior to the issuance of certificate of occupancy:**

9. Develop plans for Art in Public Places component;
10. HARC approval for the proposed sign at the corner of Virginia and Simonton Streets and any other signage visible from public right-of-way, other than street address signs;
11. The plans shall be submitted to indicate a complete reconstruction of the Virginia Street right-of-way from the intersection of Virginia and Simonton Streets east and northeast to the termination of Virginia Street at the wall separating the right-of-way from the Archdiocese property to the northeast. Such plans must be approved by the City's Engineering Services and provide the following list of minimum improvements:
  - a. 5 foot sidewalk of each side of street;
  - b. Minimum of 4 parking spaces on south side of Virginia Street;
  - c. Minimum of 4 parking spaces on the north side of Virginia Street;
  - d. Maintain existing driveways for off-street parking entrances on south side of Virginia Street;
  - e. Minimum of at least 3 bulb-out landscape areas on the north side of Virginia Street for the placement of trees;
  - f. Provide at least 1 bulb-out landscape area on the south side of Virginia Street for the placement of trees;
  - g. Provide for the placement of trees at the south east corner of the Virginia Street terminus;
12. Replace and repair the sidewalk on Simonton Street the length of the property along that street side with a 5 foot sidewalk which can be reduced to a 4 foot minimum in order to accommodate existing trees;
13. Mitigation for the removal of trees from the right-of-way shall be accomplished by the developer/property owner, and with the permission of the City, placed in the right-of-way of Virginia Street at the developers expense of maintenance for one year following the C.O. Alternatively, the developer may mitigate on their property;
14. Developer has dedicated to the City 6 unused BPAS allocations reserved, but unused for the City's use for beneficial use or affordable housing (6 units are equivalent to 30% of 21 units);
15. A 6 foot high wall or solid fence shall be erected on the north and east boundaries of the property subject to final HARC review and approval.

The applicant, Annalise Mannix, architect Tom Pope and Joe Cleghorn, gave members an overview of the request.

The following members of the public spoke on the matter:

- Naja Girard for Last Stand, 1214 Newton

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- John Leopold, 610 Virginia
- Neil McMichael, 606 Truman #6

**A motion to approve the Major Development Plan request to include Planning Department recommendations was made by Vice-Chairman Root but the motion fails for lack of second.**

There was additional discussion between applicants and Planning Board members.

**A motion to approve the Major Development Plan request to include Planning Department recommendations with the conditions below was made by Ms. Tennyson and seconded by Mr. Oropeza.**

1. Complete reconstruction costs of the Virginia Street right-of-way shall be paid by the developer at fifty per cent (50%) or two hundred thousand dollars (\$200,000), whichever amount is greater.

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

5. **Variances and Waiver – 1015-1025 Simonton Street (RE# 00027070-000000, AK# 1027847) – A request for variances to parking for 3 single-family driveways, impervious surface ratio, and landscape waiver for street frontage and perimeter landscaping in the HNC-1 zoning district per Section 108-648, Section 122-810 (4)b, Section 108-413 (b), and Section 108-415 (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller and Mr. Craig gave members an overview of the variances and waiver request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for variances be **denied**; however, if the Planning Board approves this request, staff would like to require the following conditions:

1. That Certificates of Elevations shall be provided to confirm that the structures meet FEMA base flood elevation requirements;
2. That a landscape plan consistent with the site plan shall be submitted and a final landscape plan be approved by the Tree Commission.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request to waiver the landscape area, buffer and perimeter be **approved**.

The applicant, Annalise Mannix, gave members an overview of the request.

The following members of the public spoke on the matter:

- John Leopold, 610 Virginia

**A motion to approve the Major Development Plan request to include Planning Department recommendations with the conditions below was made by Mr. Holland and seconded by Mr. Oropeza.**

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1. There will be one fence constructed north and east between the two properties, six foot (minimum) in height to eight foot in height (subject to variance) with shared maintenance and use by an agreement with neighbors of both adjoining properties.

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

6. **Administrative Variance Ordinance - A resolution of the Key West Planning Board recommending an ordinance to the City Commission amending Chapter 90 of the Code of Ordinances entitled "Administration" by amending Section 90-392 and by adding Section 90-398 to authorize the city planner to issue administrative variances; establishing procedures for an application for administrative variances; establishing a procedure for providing notice to adjoining property owners of the city planner's intent to issue an administrative variance; establishing criteria for the issuance of administrative variances; establishing a procedure for public hearings on applications for administrative variances; amending Chapter 122 entitled "Zoning" by amending Section 122-28 and adding Section 122-32 (g) for establishing procedures for nonconformities; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

Mr. Craig gave members an overview of the changes to the proposed ordinance. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request of the proposed changes to the Administrative Variance Ordinance be **approved**.

The following members of the public spoke on the matter:

- Owen Trepanier, 1024 Thomas

**A motion to recommend to the City Commission the proposed changes to the Administrative Variance Ordinance with the conditions below was made by Ms. Tennyson and seconded by Vice-Chairman Root.**

1. Delete section (2)(i)(7), specifically the terms "domestic difficulties".
2. Delete or define "aggrieved or adversely affective member" from section (2)(o). Insert definition from appropriate Florida Statute before moving item to City Commission

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

7. **BPAS Ordinance - A resolution of the City of Key West recommending an ordinance to the City Commission amending Chapter 108 of the Code of Ordinances, entitled Planning and Development specifically Article X entitled Building Permit Allocation System by amending Section 108-986 "Definitions" and adding the definitions to Chapter 86 General Provisions, Section 86-9 entitled "Definitions"; amending Section 108-987 entitled "Propose and Intent"; amending Section 108-989 entitled "Authority"; amending Section 108-991 "Development Not Affected by Article"; amending Section 108-994 entitled "Established"; amending Section 108-995 entitled "Reporting Requirements and Adjustments in Residential Allocation Schedule"; adding Section 108-996 entitled Intent"; amending Section 108-997 by adding the Section entitled "Period of Allocation and Ranking/Review of Applications", amending**

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Section 108-998 entitled “Procedures for Ensuring Beneficial Use of Private Property”; by deleting “Zoning in Progress” and adding “Allocation of Residential Permits in the Truman Waterfront Redevelopment Area” amending Section 108-999; and amending Chapter 122 entitled Zoning Section 122-1470 “Accessory Unit Infill”; providing for severability; providing for repeal of inconsistent provisions, providing for an effective date.

Item was postponed to the July 18<sup>th</sup> meeting.

8. **Conditional Use – 1970 North Roosevelt Boulevard (RE# 00051860-000000, AK# 1052485) – A request for conditional use approval to operate a tattoo parlor at property located in the CG zoning district per Section 122-418 (20) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Craig gave members an overview of the Conditional Use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for Conditional Use be **approved**.

**Condition to be completed at time of completion of pending FDOT improvements to North Roosevelt Boulevard:**

- The existing pole sign will be moved or removed as necessary.

The applicant’s representatives, Owen Trepanier and Patrick Wright with Trepanier and Associates, gave members an overview of the request.

There were no public comments.

**A motion to approve the Conditional Use request to include Planning Department recommendations with the conditions below was made by Ms. Tennyson and seconded by Vice-Chairman Root.**

1. Final location of sign is compliant with FDOT construction.

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

9. **Minor Development Plan - 629 Duval Street (RE# 00012440-000100, AK# 1012815) – A request for a minor development plan to construct a restaurant with outdoor consumption area in the HRCC-1 zoning district per Section 108-91 A.1 (b) and (c) and modify landscape requirements per Section 108-412 and 108-413 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item was postponed to the July 18<sup>th</sup> meeting.

10. **Parking Variance - 629 Duval Street (RE# 00012440-000100, AK# 1012815) – A request for a variance to parking requirements from 15 automobile spaces to the 8 bicycle and scooter proposed in the HRCC-1 zoning district per Section 108-572 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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Item was postponed to the July 18<sup>th</sup> meeting.

**New Business**

- 11. 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.**

Item was postponed to the July 18<sup>th</sup> meeting.

- 12. Variance – 1200-1212 White Street and 1124 Catherine Street (RE# 00033010-000000 / 00033050-000000; AK# 1033774 / 1033812) – A request to allow 22 off-street parking spaces for the 25 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.**

Item was postponed to the July 18<sup>th</sup> meeting.

**PLANNER'S REPORT**

Mr. Craig informed members of upcoming projects.

**ADJOURNMENT**

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

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

**SO ORDERED.**

Meeting adjourned at 8:40 pm.

**Respectfully submitted by,  
Katrina Cool  
Administrative Assistant II  
Planning Department**