

# Minutes of the Key West Planning Board

## January 17, 2013 **DRAFT ACTION MINUTES**

Chairman Richard Klitenick called the Key West Planning Board Meeting of January 17, 2013 to order at 6:03pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### ROLL CALL

**Present were:** Chairman Richard Klitenick, Sam Holland, Lisa Tennyson, Michael Browning and Greg Oropeza.

**Excused absence:** Vice-Chairman Tim Root and James Gilleran,

**Also in attendance were:** Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Fire Department, Alan Averette; Planning Department staff: Enid Torregrosa, Ginny Haller, Brendon Cunningham and Karen de Berjeois.

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### APPROVAL OF MINUTES

**December 20, 2012**

**A motion to approve the December 20, 2012 meeting minutes was made by Mr. Holland and seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### RESOLUTIONS

#### Old Business

- 1. Conditional Use – 707 Catherine Street (RE# 00030650-000000) - Request for Conditional Use approval for a daycare facility in the HMDR zoning district per Section 122-62 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham 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 with the following conditions:

Condition to be completed prior to the issuance of building permits:

1. The parking variance be approved.

Condition to be completed prior to the issuance of a Certificate of Occupancy:

**Minutes of the Key West Planning Board**  
**January 17, 2013      DRAFT ACTION MINUTES**

2. All five (5) auto and eight (8) bicycle parking spaces are installed.
3. All required landscaping be installed.

Conditions to be reviewed annually (May 30):

4. Only four (4) 30 minute play/recess periods per day; and
5. Child drop-off on Amelia Street only.

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

The Daycare Manager, Millie Rodriguez, 910 17<sup>th</sup> Street, gave members an overview of the request.

Mr. Craig requested that the items in the applicant's solution statement should be included in the resolution.

Chairman Klitenick requested the applicant explain the details of her solutions statement.

The applicant, Millie Rodriguez, gave members an overview of her solution statement. She stated that a maximum of 24 children are allowed on the playground during playtime, two groups of children have two play periods of 25 minutes per day not to go over a total of 2 hours of playtime per day. She also stated a flexible drop off time from 7:30am to 11:45am with the drop off and pick up location on Amelia Street.

Chairman Klitenick addressed the adverse impact of noise and traffic with the solution statement.

The following members of the public spoke on the matter:

Lorraine Phelps, 32 Key Haven  
Amber Davis, 1922 Staples  
Ann Dadd, 701 Catherine  
Ginny Stones, 221 Simonton  
Keia Hughes, 3380 Northside  
Michelle Citon, 1029 Truman

**Mr. Holland made a motion to approve the Conditional Use request with the solution statement stating four 25 minute play periods.**

**An amended motion to approve the Conditional Use request with the Planning Department's recommended conditions (solution statement) was made by Mr. Holland and seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

2. **Variance – 707 Catherine Street (RE# 000030650-000000) – Variance request to reduce the number of parking spaces for a daycare facility from the required 28 to 5 with bicycle substitution of 2 for a total of 7 in the HMDR zoning district per Section 108-572 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the Parking Variance request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department

**Minutes of the Key West Planning Board**  
**January 17, 2013      DRAFT ACTION MINUTES**

recommended that the request for variances to be denied. However, if the Planning Board chooses to approve the request, the following conditions are recommended by staff:

Conditions to be completed prior to the issuance of a Certificate of Occupancy:

1. All five (5) auto and 8 bicycle parking spaces are installed; and
2. All required landscaping be installed; and
3. All access is limited to Amelia Street for drop-off and pick-up purposes; and
4. The parking on Catherine Street be limited to employees.

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

The Daycare Manager, Millie Rodriguez, 910 17<sup>th</sup> Street, gave members an overview of the request.

The applicant's attorney, Ginny Stones, with Stones & Cardenas gave members an overview of the request.

The following members of the public spoke on the matter:

Lorraine Phelps, 32 Key Haven  
Amber Davis, 1922 Staples  
Ann Dadd, 701 Catherine  
Ginny Stones, 221 Simonton  
Keia Hughes, 3380 Northside  
Michelle Citon, 1029 Truman

**A motion to approve the Parking Variance request with the Planning Department's recommended conditions was made by Mr. Oropeza and seconded by Mr. Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 3. HARC Certificate of Appropriateness Application Minimum Requirements - Consideration of a resolution of the City of Key West recommending an ordinance to the City Commission amending the Historic Architectural Review Commission guidelines for minimum requirements for submittals for a Certificate of Appropriateness as referenced in Section 90-142 of the City of Key West Land Development Regulations, and providing for an effective date.**

Mrs. Torregrosa gave members an overview of the Minimum Requirements for submittals. The Planning Department recommended consideration and approval of the draft modifications to the HARC guidelines ordinance modifications.

There were no public comments.

**A motion to approve amending the HARC Guidelines for Minimum Requirements for submittals was made by Mr. Browning and seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

**Minutes of the Key West Planning Board**  
**January 17, 2013      DRAFT ACTION MINUTES**

4. **Administrative Variance Ordinance - Consideration of a resolution of the City of Key West 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 Planning Director to issue administrative variances; establishing a procedure for providing notice to adjoining property owners of the Planning Director'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.**

**Postponed to February 21, 2013 Planning Board Meeting.**

5. **Variations - 917 Duval Street (RE# 00017810-000000) – A request for building coverage and side-yard setback requirements in the HRCC-3 zoning district per Section 122-750(4) a. and (6) 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 Conditional Use 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. However, if the Planning Board chooses to approve the request, Planning Staff recommended the following condition: the applicant seek and receive HARC approval.

The applicant's Architect, William Rowan, gave members an overview of the request.

There were no public comments.

**A motion to approve the Variations request with the Planning Department's recommended conditions was made by Mr. Browning and seconded by Mr. Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

6. **Variations - 726 1/2 Olivia Street (RE# 00020590-000000) – A request for variations to detached habitable space, impervious surface ratio, front, side and rear-yard setback requirements in the HHDR zoning district per Section 122-1078 and 122-630(4) b. and (6) a. b. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the Variations request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variations be denied. However, if the Planning Board approves this request, staff would like to require the following condition:

1. That the two properties be combined by a unity of title approved by the City Attorney's Office.

The applicant, Michael Ingram, gave members an overview of the request.

There were no public comments.

**Minutes of the Key West Planning Board**  
**January 17, 2013      DRAFT ACTION MINUTES**

**A motion to approve the Variances request with the Planning Department's recommended condition was made by Mr. Holland and seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 7. Modification to a Major Development Plan & Conditional Use – 512 Greene Street (RE# 00001170-000000) – A request for Modifications to a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 to alter the layout of the commercial floor area, reduce retail space and convert retail area to mixed retail and bar/lounge consumption area for property located in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

**Postponed to February 21, 2013 Planning Board Meeting.**

**PLANNER'S REPORT**

Mr. Craig gave members an overview of upcoming projects.

**ADJOURNMENT**

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

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

**SO ORDERED.**

Meeting adjourned at 8:05pm.

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