

Minutes of the Key West Planning Board

September 26, 2013 **DRAFT MINUTES**

Chairman Richard Klitenick called the Key West Planning Board Meeting of September 26, 2013 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, Michael Browning, James Gilleran, Sam Holland, Greg Oropeza and Lisa Tennyson

Excused absence: Planner Director, Don Craig and Vice-Chairman Tim Root.

Also in attendance were: Chief Assistant City Attorney, Larry Erskine; Fire Department, Jason Barroso; Planning Department staff: Kevin Bond, Brendon Cunningham and Stacy Gibson.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Cunningham informed members that Item 5 was requesting postponement until the October 17th Planning Board meeting.

A motion to approve the amended agenda was made by Mr. Michael Browning and seconded by Ms. Lisa Tennyson.

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

- **July 18, 2013 Meeting**
A motion to approve the July 18, 2013 meeting minutes was made by Mr. James Gilleran and seconded by Ms. Lisa Tennyson.

Motion carried by unanimous voice vote.

SO ORDERED.

- **August 22, 2013 Meeting**
A motion to approve the August 22, 2013 meeting minutes was made by Mr. James Gilleran and seconded by Mr. Greg Oropeza.

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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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 believes that the totality of the traffic, parking and other impacts lead staff to the conclusion that the proposed mixed use facility is inconsistent with the mix of surrounding land uses, will negatively affect the neighborhood, and is inconsistent with the principles contained in the Comprehensive Plan to regulate the mix and intensity of uses in commercial/residential neighborhoods, and recommends the Conditional Use be **denied**.

However, should the Planning Board decide to **approve** the proposal, the following conditions should be applied:

1. The applicant will comply with Sections 18-610-615 of the Code of Ordinances;
2. Compliance with the plans dated April 26, 2013 is a condition of approval and specifically incorporated herein;
3. Compliance with the Planting Plan by Craig Reynolds, Landscape Architecture, dated 3/5/2013;
4. On-site storm water retention calculations for the parcel shall be provided for Engineering Services when application is made for Building Permits;
5. All signs or other modifications to the structure shall receive HARC approval;
6. Exterior lighting will be minimal and retained on site;
7. Outdoor waste handling shall occur between 6:30 a.m. and 10:30 p.m. As shown on Plan D-8 dated 4/26/2013, the applicant shall have the pull-out trash dumpster in an effort to mitigate odor from the trash receptacle;
8. The applicant shall maintain disposal contracts for all hazardous waste. All contracts are for disposal at approved locations outside the city. The period of time between acquisitions of these materials to disposal, all storage shall be inside the premises;
9. In an effort to mitigate noise, the restaurant hours of operation shall be no later than 9:00 p.m. Sunday through Thursday and not later than 11:00 p.m. on weekends.
10. The dispute on the location of the property line along White Street survey issue must be resolved before the canopy on the structure along White Street may be constructed;
11. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on this site;
12. Storage of vehicle inventory on the city Right-of-Way is strictly prohibited without an easement agreement between the applicant and the City;
13. The three proposed parking spaces to be located on the lot at 1212 White Street will not be utilized for vehicle sales, storage, or repair work/servicing;
14. The Planning Department is concerned that noise from the restaurant and recreational vehicle traffic may adversely affect the neighbors. Therefore the Planning Board reserves the authority, after due public notice, to attach conditions limiting music and traffic noise;
15. The property is fully ADA accessible; and
16. Approval of this Conditional Use is contingent upon the approval of the proposed parking variance.

The applicant's attorney, Wayne LaRue Smith, The Smith Law Firm, gave members an overview of the request.

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The following members of the public spoke on the matter:

Helen Garcia, 3310 Harriet Ave.
Bill Lorraine, 1028 Catherine St.
Steve Dawkins, 1212 Angela St.
Greg Sullivan, 1212 Catherine
Dent Pierce, Sr., 1204 Josephine St.
Dent Pierce, Jr., 12047 Josephine St.
Linda Wheeler, 1213 White St.
David Alea, 1025 Johnson St.
Jack Baldwin, 1215 Knowles Ln.
Kathryn DePoo, 1217 Knowles Ln.
Bob Kruse, 1213 White St.
Teresa Menendes, 1331 White St.
Teri Johnston, 1503 Washington St.
Scott Freeman, 1717 White St.

A motion to postpone the conditional use until the next Planning Board meeting on October 17, 2013 was made by Mr. Michael Browning and seconded by Mr. Greg Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

- 2. 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.**

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 recommends that the request for variance to waive twenty-two (22) off-street parking spaces be **denied**.

However, if the Planning Board **approves** this request, staff would like to require the following conditions:

1. Storage of vehicle inventory on the city Right-of-way is strictly prohibited without an easement agreement between the applicant and the City;
2. The three proposed parking spaces to be located on the lot at 1212 White Street will not be utilized for vehicle sales, storage, or repair work/servicing.

The applicant's attorney, Wayne LaRue Smith, The Smith Law Firm, gave members an overview of the request.

The following members of the public spoke on the matter:

Helen Garcia, 3310 Harriet Ave.
Bill Lorraine, 1028 Catherine St.
Steve Dawkins, 1212 Angela St.
Greg Sullivan, 1212 Catherine
Dent Pierce, Sr., 1204 Josephine St.
Dent Pierce, Jr., 12047 Josephine St.
Linda Wheeler, 1213 White St.
David Alea, 1025 Johnson St.
Jack Baldwin, 1215 Knowles Ln.
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Bob Kruse, 1213 White St.
Teresa Menendes, 1331 White St.
Teri Johnston, 1503 Washington St.
Scott Freeman, 1717 White St.

A motion to postpone the parking variance until the next Planning Board meeting on October 17, 2013 was made by Mr. Michael Browning and seconded by Mr. Greg Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

- 3. 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 -413 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Chairman Richard Klitenick recused himself, passing the gavel to Mr. James Gilleran.

Mr. Cunningham gave members an overview of the minor development plan request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for Minor Development Plan be **denied**, in its constituent parts:

1. Minor Development Plan - Section 108-91 A.1.(b)
2. Landscape Waiver – Section 108-412(a)

The applicant, Owen Trepanier, with Trepanier & Associates, Inc. gave members an overview of the request.

There were no public comments.

A motion to approve the minor development plan was made by Mr. Sam Holland and seconded by Mr. Michael Browning

Motion carried by unanimous voice vote.

SO ORDERED.

- 4. 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.**

Chairman Richard Klitenick recused himself, passing the gavel to Mr. James Gilleran.

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 recommends that the request for variance to waive the 6 off-street parking spaces be **denied**.

The applicant, Owen Trepanier, with Trepanier & Associates, Inc. gave members an overview of the request.

There were no public comments.

A motion to approve the parking variance was made by Mr. Michael Browning and seconded by Mr. Sam Holland.

Motion carried by unanimous voice vote.

SO ORDERED.

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5. **After-the-Fact Variances – 2501 Fogarty Street (RE# 00050510-000000; AK# 1051110) – A request for side yard setback for a shed, and impervious surface ratio and building coverage requirements for an after-the-fact construction of new carport in the SF zoning district per Section 90-391, Sections 122-1182, 122-238(4)a, 122-238(4)b of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item was postponed until October 17, 2013.

6. **Variances - 717 White Street (RE# 00022780-000000; AK# 1023574) - A request for side, street side and rear-yard setback requirements and detached habitable space to construct two buildings for use as a primary residence and satellite guest quarters with an art studio space in the HRCC-3 zoning district per Sections 122-600(6) b, c & d and 122-1078 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 recommends the request for variance be **denied**. However, if the Planning Board **approves** this request, staff would like to require the following conditions:

The detached habitable structure shall not have cooking facilities, contain a commercial business nor be held out for rent.

The applicant, Debra Yates gave an overview of the dialect between her and a neighbor in emails regarding the “good neighbor policy”.

The following member of the public spoke on the matter:

Steve Dawkins, 1212 Angela St.

A motion to approve the variances was made by Mr. James Gilleran and seconded by Mr. Sam Holland.

Motion carried by unanimous voice vote.

SO ORDERED.

New Business

7. **Variances - 728 Windsor Lane (RE#00018890-000100; AK#1019542) - A request for building coverage, impervious surface ratio, front, side and rear-yard setbacks to reconstruct the existing historic structure and non-historic addition and add a swimming pool in the HHDR zoning district per Section 122-28(b) and Section 122-630 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. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be **denied**. However, if the Planning Board **approves** this request, staff would like to require the following condition:

Per the Fire Department’s direction, the five foot setback surrounding the swimming pool is maintained with minimal landscaping.

The applicant, Gary Burchfield gave members an overview of the request.

A motion to approve the variance was made by Mr. Greg Oropeza and seconded by Mr. Sam Holland.

Motion carried by unanimous voice vote.

SO ORDERED.

PLANNER’S REPORT

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There was no Planner's Report.

ADJOURNMENT

A motion to adjourn was made by Mr. Michael Browning and seconded by Mr. Greg Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 8:40pm.

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