

**Minutes of the Key West Planning Board**  
**June 16, 2011** **DRAFT**

Chairman Richard Klitenick called the Key West Planning Board Meeting of June 16, 2011 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: Gregory Oropeza, Sam Holland, Jr. and Michael Browning

**Excused Absence:** Vice-Chairman Tim Root, Jim Gilleran and Lisa Tennyson

**Also in attendance were:** Planning Director, Don Craig; Chief Assistant City Attorney, Larry Erskine; and Planning Department staff, Carlene Cowart, Ashley Monnier and Nicole Malo.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mr. Craig informed members that the applicant for 1511 Truman has requested their item be moved up on the agenda.

Mr. Klitenick informed members that he has a standing recusal on Item 4 (908 Trinity); therefore, this item would be not heard tonight due to a lack of quorum.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

**APPROVAL OF MINUTES**

**1 May 19, 2011 – Meeting Minutes**

**A motion to approve the May 19, 2011 meeting minutes was made by Mr. Oropeza and seconded by Mr. Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

**RESOLUTIONS**

**5 Change of Non-Conforming – 1511 Truman Avenue (RE# 00024270-000000) – A change in nonconforming use from professional office to medical office in the HMDR zoning district per Section 122-32(e) of the Land Development Regulations of the City of Key West.**

Mr. Craig gave members an overview of the change of non-conforming use request. He informed members that the request is for a change of nonconforming use for the property to serve as a medical office to be run by Womankind, Inc. The property is located on Truman Avenue at the intersection with Eisenhower Drive. The structure was originally constructed for commercial purposes. In 2002, per Resolution 02-067, the Board of Adjustment permitted the property to be used as business and professional offices. Until recently, the property has been used for a real estate sales office. Prior to 2002, it was used as a group home. Based on criteria

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outlined in Section 122-32 (e) (1) and (2) of the City of Key West Code of Ordinances, the Planning Department recommends approval of the Change of Nonconforming Use.

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

Board members reviewed and discussed the request with Mrs. Stones and staff. Mr. Erskine verified that the deed was recorded on May 15, 2011.

**A motion to approve the change of non-conforming use request was made by Mr. Browning and seconded by Mr. Oropeza.**

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

**SO ORDERED.**

**Old Business**

**2 Special Exception - 511 Eaton Street (RE# 00004330-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church and funeral home for property located within the HRCC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.**

Mrs. Monnier gave members an overview of the special exception to the prohibition of alcoholic beverage sales request. She informed members that the special exception request is for the Old Town Manor to sell alcohol within 300 ft. of St. Paul's Episcopal Church and the Dean Lopez Funeral Home. She added that the existing guesthouse is located within a block of Duval Street, within the HRCC-1 zoning district, which is one of the most intense zoning districts within the City. The applicants are requesting to sell alcohol as an amenity to lodging guests, as well as guests who may be attending events such as weddings on the site. Planning Department recommends that the request for special exception be approved with the following conditions:

- The exception is granted exclusively to the applicants, Walter Price and Swati Goyal of Wong Song Enterprises, Inc.
- The exception is not transferable.
- The exception is only effective with the following uses, as specified in the application; guests staying at the Old Town Manor, or guests attending events hosted on-site.
- That no permanent bar be erected on-site.

The applicant, Swati Goyal, gave members an overview of their request.

Board members reviewed and discussed the request with the applicant and staff. Members discussed adding a condition that the special exception is granted exclusively to the applicants for as long as they are the majority stock holders of the issued and outstanding stock of Wong Song Enterprises, Inc., since this special exception is based on the reputation of the current owners.

Mr. Klitenick inquired why alcohol sales are being limited to events only. Mrs. Goyal stated that they have no desire to sell alcohol outside of events and encourage their patrons to visit other businesses.

**A motion to approve the special exception to the prohibition of alcoholic beverage sales request to include conditions discussed was made by Mr. Holland and seconded by Mr. Klitenick.**

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

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**SO ORDERED.**

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

Ms. Malo gave members an overview of the variances request. She informed members that this variance request is the second part of the development plan approved at the meeting held January 20, 2011 for the Mallory Square Tropical Soup Restaurant redevelopment project, through Resolution 2011-002. That approval established the restaurant-related entitlements such as consumption area. The approval included conditions establishing consumption area and operational conditions to ensure that the proposed project operates as a restaurant. The Planning Board's determination establishes whether the dimensional requirements in the code can be varied to allow the construction of the restaurant building in its proposed location.

Ms. Malo then stated that the variance proposal has been postponed for various reasons since the Development Plan approval in January. Most recently the applicant requested postponement to revise the plans in an attempt to reduce the amount of variances and to address concerns raised by the neighbors. Although the proposed design of the building is not affected by the maintenance or demolition of the Cable Hut on the site, an update of the condition of the Cable Hut was requested at the Planning Board meeting held April 21, 2011. The city has issued a task order to Chen and Associates, LLC., for an independent structural analysis of the building which has not been completed to date. 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 chooses to approve the variance application, the Planning Department recommends the following conditions:

- That the application for a Major Development Plan with conditions is approved
- That the site plan is subject to final HARC approval

The applicant's representative, Owen Trepanier with Trepanier and Associates, gave members an overview of the request. Mr. Trepanier summarized by saying that the structure was moved away from the Westin and out of setbacks.

The applicant's architect, Bill Horn, gave members an overview of the elevations on the project.

The following member of the public spoke on the matter:

- Robert Cintron,

The applicant, Joe Walsh, informed members that the restaurant would operate very similar as the Westin but with fewer seats. He also stated that there would not be amplified music on site.

Mr. Browning inquired on hours of operation for surrounding establishments.

Board members reviewed and discussed the request with the applicant, staff and members of the public. Members understand Mr. Cintron's objection; however, members also appreciate the effort the applicant has made to reduce the variances as well as their attempt to improve the current property.

**A motion to approve all requested variances based on this meeting's comments, discussion and staff report was made by Mr. Browning and seconded by Mr. Klitenick.**

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

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**SO ORDERED.**

- 4 After the Fact Variances – 908 Trinity Drive #4 (RE# 00065570-001010) – A request for building coverage, impervious surface ratio, side, and rear setbacks in the Single Family zoning district per 122-238 (4)(a), 122-238 (4)(b)(1), 122-238 (6)(a)(2) and (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item has been postponed to the July 21, 2011 Planning Board meeting.

**New Business**

- 6 Variances – 921 Eaton Street (RE# 00002710-000000) - A request for existing front and side yard setbacks, and new rear yard setback, impervious surface ratio, and building coverage for property located in the HMDR zoning district per Section 122-600(6)(a.), (b.), and (c.), Section 122-600(4)(a.) and (b) and detached habitable space per Section 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the variances request. She informed members that the request is for a rear addition, new pool, deck and a guest house. The guest quarters of roughly 280 square feet requires a variance for detached habitable space. No kitchen is proposed. Additional variance requests increase already non-conforming building coverage, impervious surface ratio and reduce open space. However, the proposed design creates privacy buffers for adjacent property owners by locating the detached guest house toward the rear of the property, facing the interior and outdoor activity areas towards the center of the property. Recently three large single family homes were built, abutting the rear of the property that have created privacy issues. Other site improvements include a drainage plan in the rear of the property, although no net increase in impervious surface ratio is proposed due to the removal of brick areas. Stormwater management is not required. No new construction is proposed in the front of the structure however, existing front and side yard setbacks are nonconforming and are therefore considered part of the variance request as well. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

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

Board members reviewed the request.

**A motion to approve the variances request was made by Mr. Oropeza and seconded by Mr. Holland.**

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

**SO ORDERED.**

- 7 Variances – 313 Amelia Street (RE# 00026100-000000) - A request for building coverage, front yard, rear yard and side yard setback requirements for a contributing structure in the Historic Medium Density Residential zoning district for property located at 313 Amelia Street per Section 90-391 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the variances request. She informed members that the request is for increased building coverage, and rear and southerly side yard setback requirements to reconstruct an exterior staircase and expand a second storey porch by 96 square feet. The proposed wood porch is uncovered and does

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not increase impervious surface. No site improvements are proposed. Additional variances to existing nonconforming front and northerly side yard setback conditions are also required to bring the site into compliance. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

The applicant's representative, Owen Trepanier with Trepanier and Associates, gave members an overview of the request.

The applicant's Structural Engineer, Paul Simms with Seatech, clarified for members the square footage of the project. Mr. Trepanier informed members that the request is to allow a deck to be built off the rear of the existing structure.

**A motion to approve the variances request was made by Mr. Browning and seconded by Mr. Oropeza.**

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

**SO ORDERED.**

**PLANNER'S REPORT**

Members congratulated Mr. Craig on his new position as Planning Director.

Mr. Craig stated that there is a need to amend the Comprehensive Plan and Land Development Regulations to create a shoreline setback. He also stated that Key West is the only community in the Keys that does not have a shoreline setback.

He informed members that he will be writing an administrative interpretation that clarifies by example the 66% rule and how it applies to structures with reference to the right to rebuild a structure.

He then informed members that the City Commission selected a consultant for the Historic Structure survey.

**ADJOURNMENT**

**A motion to adjourn was made by Mr. Oropeza and seconded by Mr. Holland.**

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

**SO ORDERED.**

Meeting adjourned at 7:45 pm.

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