

**Minutes of the Key West Planning Board
January 20, 2011**

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Vice-Chairman Tim Root called the Key West Planning Board Meeting of January 20, 2011 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Vice-Chairman, Tim Root; Members, Gregory Oropeza, Michael Browning, Sam Holland, Jr. and Lisa Tennyson.

Excused Absence: Chairman Richard Klitenick; Jim Gilleran

Also in attendance were: Interim Planning Director, Don Craig; Chief Assistant City Attorney, Larry Erskine; Alan Averette, KW Fire Department; and Planning Department staff, Brendon Cunningham, Carlene Cowart, Ashley Monnier and Nicole Malo.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion to approve the agenda was made by Mr. Oropeza and seconded by Ms. Tennyson.

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

1 November 9, 2010 – Special Meeting Minutes

A motion to approve the November 9, 2010 special meeting minutes was made by Mr. Browning and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

2 November 18, 2010 – Meeting Minutes

A motion to approve the November 18, 2010 meeting minutes was made by Ms. Tennyson and seconded by Mr. Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

RESOLUTIONS

Old Business

3 Variance – 816- 818 White Street (RE# 00022250-000000) - An application for a variance to impervious surface ratio requirements in the Historic Neighborhood Commercial (HNC-2)

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zoning district per Section 122-840(4)b of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave members an overview of the variance request. He informed members that this is a variance request to the required impervious surface ratio to replace a brick patio with a swimming pool and composite decking. 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, Rick Milleli, gave members an overview of the project. Mr. Milleli informed members that he met with Mr. and Mrs. Meece on January 11th as well as with the neighbors at 809 Ashe Street to discuss improvements on the property. He then stated that they incorporated some of their suggestions on the site plans.

The following member of the public spoke on the matter:

- Allen Meece, 807 Ashe

Mr. Craig clarified for members that although the applicant is decreasing the impervious surface, the applicant is still above the 60% impervious surface ratio.

Board members reviewed and discussed the request with the applicant, staff and members of the public who spoke on the matter. Members addressed concerns over neighborhood impact and stormwater.

A motion approve the variance request was made by Mr. Oropeza and seconded for discussion by Mr. Browning. Mr. Browning asked that a condition be added to include hours of operation. The applicant was in agreement to include hours as a condition.

Mr. Oropeza amended his motion to include that the pool be closed from 8pm to 6am. Motion was seconded by Mr. Browning.

Motion was carried by 4-1 voice vote; opposed by Ms. Tennyson.

SO ORDERED.

- 4 Major Development Plan – Mallory Square (RE# 00072082-001100, 00072082-001400 and 0072082-003700) – A Major Development Plan application for redevelopment of a restaurant and adjacent property located in the HPS zoning district per Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Malo gave members an overview of the major development plan request. She informed members that this is a redevelopment of four city-owned areas on Mallory Square to include a new structure with a restaurant (using established legally non-conforming consumption area), public plazas and open space, and use of an existing historic structure. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for Major Development Plan be approved with the following conditions:

1. A total of 2,344 square feet of restaurant consumption area which equates to 156 seats is allowed within the area known as Area 2, shown as Parcel 2 on the January 28, 2010 site survey. The location of the consumption area within the restaurant may be modified relative

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to final determinations regarding the cable hut located within the parcel. Alcohol sales are permitted as accessory to the principal restaurant business. The sale of food, dessert, and non-alcoholic beverages must constitute 51% or more of business and the sale of food must occur during the time in which service is being provided to the public.

2. That variance requests for impervious surface ratio, the side yard setback requirement, open space requirement and Coastal Construction Control Line setback requirement are approved by the Planning Board.
3. That a variance request to height requirements for non-habitable space is approved by the Board of Adjustment.
4. The project will comply with green building standards established by Chapter 255.2575(2), F.S., and will also provide for recycling of solid waste and meet “dark sky” lighting standards.
5. Stormwater plans must be approved by the General Services Department prior to Building Permit issuance.
6. The proposed structures will be included in the final leasehold area determined by the City at the City’s discretion.
7. Public access to plazas and public access ways along Mallory Dock and the bridge to the Westin Marina shall remain unimpeded in perpetuity by the applicant. The city reserves the right to address access for public safety purposes.
8. The applicant will abide by Port Security requirements as required by the Port Facility Security Officer, including requirements deriving from the United States Navy when military vessels are berthed at this location.

Mr. Craig informed members that the Chief Building Official determined that the structure was unsafe and eligible to be removed as a safety hazard.

Mr. Browning disclosed that he rents his office space from the applicant’s representative, Owen Trepanier, but that it did not prejudice his decision-making capacity.

The project architect, Bill Horn, gave members an overview of the site plans for the project.

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

The applicant, Joe Walsh, informed members on his meetings with opposing neighbors and their attempts to address their concerns.

The following members of the public spoke on the matter:

- Robert Cintron, 317 Whitehead
- Diane Schmidt, 245 Front
- Matt Trahan, Ocean Key Resort, 0 Duval

Board members reviewed and discussed the request with the applicant, staff and members of the public who spoke on the matter. Members addressed concerns over neighborhood concerns and drainage.

A motion to approve the Major Development Plan with discussion was made by Mr. Browning and seconded by Ms. Tennyson. Mr. Browning expressed his interest in adding operating hours not to exceed the neighboring bars on either side of the property as a condition. The applicant was in agreement with the operating hours. Mr. Erskine requested that specific hours of operation be set.

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Mr. Trepanier requested that Planning Department condition number two be amended to read that variance request required to construct this building are approved by the Planning Board or the need for such variances eliminated through design modifications.

Mr. Craig stated that he is in agreement with the condition as long it means they build the building by obtaining the variances or by being compliant.

Mr. Browning amended his motion to include conditions listed by staff to include the amendment to condition number two and applicant's operating hours to close at 11:00pm and any special events would require permits. Amended motion seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 5 Variances – Mallory Square (RE# 00072082-001100, 00072082-001400 and 0072082-003700) –Variances for impervious surface ratio and side yard setback requirements in the HPS zoning district per Section 122-960(4)b. and Section 122-960(6)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Malo gave members an overview of the variances request. She informed members that this request is for variances associated with redevelopment of four city-owned parcels on Mallory Square to include a new structure with a restaurant (using established legally non-conforming consumption area), public plazas and open space, and use of an existing historic structure. 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 condition:

1. That the application for a Major Development Plan with conditions is approved.

The following members of the public spoke on the matter:

- Robert Cintron, 317 Whitehead

The applicant's representative, Owen Trepanier with Trepanier and Associates, informed members that they met with the Westin owners and it appeared nothing could be done to resolve their concerns.

A motion to postpone the variances request to the February 17, 2011 Planning Board meeting was made by Mr. Browning and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

New Business

- 6 Transient Transfer Extension Request –512-524 Eaton Street (RE# 00006500-000000 and 00006500-000100) – A request for 12 month extension to an approved Transient Unit and**

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License Transfer within the HNC-1 zoning district per Section 122-1344 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mrs. Monnier gave members an overview of the transient transfer extension request. She informed members that the transient transfer approval was associated with a series of other development approvals, allowing five units to be built above existing commercial floor space. However, due to complications with executing the other approvals, construction associated with the transient transfer has not been completed, and therefore has prompted the extension request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for extension be approved for an additional 12 months.

The applicant, Lynn Kephart, gave members an overview of the request.

There were no public comments.

A motion to approve the transient transfer extension request was made by Ms. Tennyson and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 7 Variances - 328 Truman Avenue (RE# 00025490-000000) - An application for Variances to building coverage, impervious surface ratio and side-yard setback requirements to accommodate the addition of an exterior staircase for emergency egress in the Historic Medium Density Residential zoning district per Section 122-600 (4) a. & b. and (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Cunningham gave members an overview of the variance request. He informed members that this is a variance request for an increase to building coverage and impervious surface ratio and a reduction in a side-yard setback for a non-conforming, historically contributing structure. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

Mr. Root reaffirmed with Mr. Averette that the purpose of the addition of the exterior staircase is to mitigate a fire safety issue. Mr. Averette concurred.

The applicant's representative, Michael Ingram, gave members an overview of the project.

A motion to approve the variances request was made by Ms. Tennyson and seconded by Mr. Holland.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 8 Transient Transfer Ordinance – An ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances entitled “Zoning” by amending Section 122-1338, and 122-1346 to provide for clarification to the Transfer of Transient Units Ordinance;**

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providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Mrs. Monnier gave members an overview of the transient transfer extension request. She informed members that the purpose of this request is to modify portions of the Transient Unit Ordinance, based on feedback received from the City Commission and Planning Board at two publicly held workshops. The Planning Department recommends consideration and approval of the ordinance modification.

Mr. Craig stated that he reviewed the ordinance and it embodies the direction of the board and of previous workshops.

A motion to approve the transient transfer ordinance was made by Mr. Holland and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

PLANNER'S REPORT

No Planner's report.

ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 8:55 pm.

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