

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

## **July 19, 2012**

### **DRAFT ACTION MINUTES**

Chairman Richard Klitenick called the Key West Planning Board Meeting of July 19, 2012 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, Vice-Chairman Tim Root, Jim Gilleran, Sam Holland, Jr., Gregory Oropeza, Lisa Tennyson and Michael Browning.

**Also in attendance were:** Planning Director, Donald Craig; Assistant City Attorney, Ron Ramsingh; Fire Department staff: Alan Averette and Jason Barroso; Planning Department staff: Brendon Cunningham, Nicole Malo, Ginny Haller and Jo Bennett.

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF AGENDA**

Mr. Craig informed members that the applicant for Item 2, outdoor display for 1120 Duval, has requested postponement to the August Planning Board meeting to allow more time to work with neighbors.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

#### **APPROVAL OF MINUTES**

**June 21, 2012 Meeting**

**A motion to approve the June 21, 2012 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 After-the-Fact Variances - 1101 Simonton Street (RE# 00027480-000000) - A request for detached habitable space, building coverage, impervious surface ratio and side and rear-yard setback requirements in the HNC-1 zoning district per Section 122-1078 and 122-810 (4) a. & b. and (6) 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 after-the-fact variances request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for the after-the-fact variances be denied. However, if the request was approved, staff recommended the following condition:

1. That a Certificate of Elevation be provided to confirm that the structure meets FEMA base flood elevation requirements. In the event that the structure does not meet the required elevation, the structure will need to comply.

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

There were no public comments.

**Mr. Browning made a motion to approve the after-the-fact variances request. Motion was seconded for discussion by Mr. Gilleran. Mr. Gilleran requested a friendly amendment that the motion includes the following condition:**

1. The structure is inspected and brought up to code for habitable space.

**Vice-Chairman Root added a friendly amendment that a FEMA Flood Elevation Certificate is obtained and provided. Mr. Browning accepted the friendly amendments and acknowledged that this is the minimum variance necessary and that the hardship was not created by the applicant.**

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

**SO ORDERED.**

### New Business

- 2 **Exception for Outdoor Merchandise Display - 1120 Duval Street (RE# 00027930-000000) – 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.**

Postponed to the August Planning Board meeting.

- 3 **Variance - 517 Elizabeth Street (RE# 00008800-000000) – A request for side yard setback in the HMDR zoning district per Section 122-600(6)b of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the variance request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the request for the variance be denied. However, if the request was approved, staff recommended the following condition:

1. Engineering requested that the applicant please direct roof gutter downspouts onto the property, retaining all stormwater runoff on the property.

The applicant's architect, Tom Pope, gave members an overview of the request.

There were no public comments.

**A motion to approve the variance request with the condition listed above was made by Vice-Chairman Root and seconded by Mr. Oropeza.**

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

**SO ORDERED.**

- 4 **Major Development Plan - 223 Elizabeth Street (RE# 00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000, 00000760-000000, 00000810-000000, 00000840-000000) – A request to construct a hotel complex in the HRCC-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.**

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Mr. Cunningham 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 the major development plan be approved with the following conditions:

1. That the applicant secure the off-site parking rights, located in the City's surface lot on Caroline Street, as determined in a Settlement Agreement entered into by the Developer and the City and subsequently approved by the Department of Economic Opportunity.
2. All power lines are to be placed underground.
3. Any proposed exterior lighting will comply with Section 108-284.

Mr. Oropeza disclosed that a member of his firm has represented Mr. Singh in the past, but does not currently represent him. He then stated that there is no financial interest. Mr. Ramsingh agreed that there is no need for recusal.

The applicant's representative, Tim Koenig gave members an overview of the request.

The applicant, Pritam Singh, gave members an overview of the request.

The following members of the public spoke on the matter:

- Bob Goldman, 619 Eaton
- Richard Curry, 630 Caroline

**Mr. Browning made a motion to approve the Major Development Plan request with the following conditions:**

1. **That the applicant secure the off-site parking rights, located in the City's surface lot on Caroline Street, as determined in a Settlement Agreement entered into by the Developer and the City and subsequently approved by the Department of Economic Opportunity.**
2. **All power lines are to be placed underground.**
3. **Any proposed exterior lighting will comply with Section 108-284.**
4. **Clarify the referenced public park not be fenced and that the applicant will work with staff to outline other conditions for the park.**

**The motion was seconded by Mr. Gilleran.**

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

**SO ORDERED.**

- 5 **HSMDR Zoning District Ordinance - An Ordinance of the City of Key West amending the Land Development Regulations, and the Official Zoning Map for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006963) Amending the Official Zoning Map Legend; Amending Chapter 122, Article IV, to create a new Historic Special Medium Density Residential district (HSMDR), providing for permitted uses, conditional uses, prohibited uses and dimensional requirements; amending Chapter 122, Article V, providing amendments to the tables of uses and dimensional requirements for Historic Special Medium Density Residential district (HSMDR); providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

Chairman Klitenick stated that he has a standing conflict of interest. He passed the gavel to Vice-Chairman Root and exited the meeting.

Mr. Craig gave members an overview of the proposed HSMDR zoning ordinance.

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The following member of the public spoke on the matter:

- Naja Girard, Last Stand, 1214 Newton

Mr. Oropeza made a motion to recommend to the City Commission the proposed ordinance for the HSMDR Zoning District to include modifying page six, Section 122-615, line seven “administered by the Historic Preservation Planner **and/or HARC Commission**, who shall have the responsibility to review and approve or deny all applications for improvements, redevelopment and new development.” Motion was seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

**SO ORDERED**

### PLANNER’S REPORT

Overview of Comprehensive Plan Forum.

### ADJOURNMENT

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

Motion was carried by unanimous voice vote.

**SO ORDERED.**

Meeting adjourned at 8:35pm.

Respectfully submitted by,  
Carlene Smith  
Development Review Administrator  
Planning Department