

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

## **March 20, 2014 DRAFT MINUTES**

**Chairman Richard Klitenick called the Key West Planning Board Meeting of March 20, 2014 to order at 5:59 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.**

### **ROLL CALL**

**Present were:** Michael Browning, Vice-Chairman Sam Holland, Chairman Richard Klitenick, Peter Pike, and Cristy Spottswood

**Excused absence:** James Gilleran and Lisa Tennyson

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

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

Mr. Craig informed members that the applicant for Item 3 requested a postponement to the next Planning Board meeting on April 17, 2014; due to some issues that are being worked out with the Fire department. The applicant for Item 6 was requesting postponement indefinitely. Staff and the City Manager are requesting postponement until the next Planning Board meeting on April 17, 2014 in order to deal with some issues.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **APPROVAL OF MINUTES**

- **February 20, 2014 Meeting Minutes**

**A motion to approve the February 20, 2014 meeting minutes was made by Ms. Cristy Spottswood and seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **Resolutions**

### **Old Business**

1. **Parking Variance - 1200-1212 White Street and 1124 Catherine Street (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812)** - A request for variance approval to allow three (3) off-street vehicular parking spaces and 17 bicycle/scooter parking spaces for the 17 vehicular parking spaces required in the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Sections 90-

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395 and 108-572 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the parking variance request.

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

The following members of the public spoke on the matter:

Linda Wheeler, 1213 White St.  
Helen Garcia, 3310 Harriet Ave.  
Bob Lieb  
Richard Fowler, 323 Fleming St.  
Steve Trippe, 623 William St.  
Cindy Dean  
Tom Maxwell  
Margaret Romero, 1615 Washington  
Adele Williams, 1216 White St.  
Shawn Cowles, 1216 White St.  
Tim Sullivan, 1204 Duncan St.  
Ken Higgins, 401 Walgout St.  
George Korn, 1313 Eliza St.  
Ross Williams, 1212 White St.  
John Starew, 919 White St.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning department recommends that the request for parking variance be **DENIED**.

However, if the Planning Board approves this request, staff recommends the following conditions:

### **General conditions:**

1. Storage or display of vehicle inventory on the City property is strictly prohibited without an easement agreement between the property owner and the City.
2. The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or servicing.

### **Conditions prior to issuance of a Certificate of Occupancy or business tax receipt:**

3. The existing Catherine Street curb cut shall be abandoned to allow additional on-street parking.

**A motion to postpone the parking variance until the next Planning Board meeting on April 17, 2014 was made by Mr. Michael Browning and seconded by Ms. Cristy Spottswood**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

2. **Conditional Use - 1200-1212 White Street and 1124 Catherine Street (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812) – A request for conditional use approval to allow commercial retail greater**

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than 2,500 square feet and restaurant in the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Sections 122-62, 122-808(9) and 122-808(13) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the conditional use request.

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

The following members of the public spoke on the matter:

Linda Wheeler, 1213 White St.  
Helen Garcia, 3310 Harriet Ave.  
Bob Lieb  
Richard Fowler, 323 Fleming St.  
Steve Trippe, 623 William St.  
Cindy Dean  
Tom Maxwell  
Margaret Romero, 1615 Washington  
Adele Williams, 1216 White St.  
Shawn Cowles, 1216 White St.  
Tim Sullivan, 1204 Duncan St.  
Ken Higgins, 401 Walgout St.  
George Korn, 1313 Eliza St.  
Ross Williams, 1212 White St.  
John Starew, 919 White St.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning department recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

### **General conditions:**

1. Approval of this Conditional Use shall be contingent upon the approval of the associated parking variance.
2. The proposed development shall be consistent with the approved plans by Paul J. Mitchell, P.E., dated April 26, 2013 and the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein.
3. Any new exterior lighting shall be designed to “Dark Sky” lighting standards and comply with City Code Section 108-284.
4. Outdoor waste handling shall occur between 6:30 AM and 10:30 PM. As shown on Sheet D-8 of the plans by Paul J. Mitchell, P.E. dated April 26, 2013, a roll-out trash dumpster shall be stored within the fully-enclosed area of the building in an effort to mitigate odor from the trash receptacle.
5. The property owner shall maintain disposal contracts for all hazardous waste at approved locations outside the city. All hazardous materials shall be stored inside the premises until they are collected for disposal.
6. In an effort to mitigate noise, restaurant hours of operation shall be no later than 9:00 PM Sunday through Thursday and not later than 11:00 PM on weekends.

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7. The dispute on the location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed.
8. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit.
9. Storage of vehicle inventory on any City right-of-way is strictly prohibited without an easement agreement between the property owner and the City.
10. The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or servicing. Nor shall the premises, inside or outside, be used for storage of any building materials. Materials related to the businesses within the building shall be stored inside.
11. The property shall be fully ADA accessible.

### **Conditions prior to issuance of a building permit:**

12. On-site stormwater retention calculations for the property shall be submitted to the City Engineering Services Department.
13. All signs or other modifications to the structure shall receive Certificates of Appropriateness.

### **Conditions prior to issuance of a Certificate of Occupancy:**

14. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.

**A motion to postpone the conditional use until the next Planning Board meeting on April 17, 2014 was made by Mr. Michael Browning and seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

3. **Major Development Plan and Conditional Use - 2407 North Roosevelt Boulevard (RE#00002280-000100; AK#8890613) -** A request to construct dockage with 79 berths in the C-OW zoning district per Section 122-129 (1)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham told members, the applicant just asked for a postponement of the request to the next Planning Board meeting, on April 17, 2014.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning department recommends the request for Major Development Plan and Conditional Use approval be approved with the following conditions:

Conditions to be completed prior to the issuance of a building permit:

The applicant receives all necessary permits from relevant State and Federal Agencies.

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

1. The applicant coordinates with the U.S. Coast Guard to provide and maintain navigational markers from the docking basin to open water.

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2. All lighting complies with “dark sky” or equivalent program on the docks themselves.
3. The applicant enters into a cross-access easement with the Lion’s Club to provide access to the parking area under easement to serve the marina.
4. The applicant will provide sewage pump-out facilities for all boats.

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22 subject to an associated annual inspection:

The applicant maintains a Clean Marina Designation.

**A motion to postpone the major development plan and conditional use until the next Planning Board meeting on April 17, 2014 was made by Mr. Peter Pike and seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

4. **Major Development Plan, Conditional Use & Landscape Waivers – 1300 White Street (RE # 00040100-000000, AK # 1040827)** – A request for major development plan, conditional use and landscape waiver approvals for the adaptive reuse of a former school into new city government offices with related cultural and civic activities on property located within the Historic Public and Semipublic Services (HPS) Zoning District pursuant to Sections 108-91.A.2., 108-517, 122-62 and 122-958 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the major development plan, conditional use and landscape waivers request.

The applicant, Donna Boswald and David Saley, of Bender & Associates gave members an overview of the request.

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Major Development Plan, Conditional Use and Landscape Waivers be APPROVED with the following conditions:

General conditions:

1. This approval shall not become effective until the concurrent applications for height variance and petition for vacation of City property are approved and effective.
2. All sidewalks and walkways shall have a minimum 36-inch width and clearance from objects and landscaping. Five feet is preferred wherever possible.
3. All landscaping shall comply with clear sight requirements pursuant to City Code Section 108-452 and 122-1406.

Conditions prior to issuance of a building permit:

4. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

Conditions prior to issuance of a Certificate of Occupancy:

5. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

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6. All on-site and off-site improvements shall be completed in order to provide the required ADA-accessible route extending 800 linear feet out and leading to the parking area.

**A motion to approve the major development plan, conditional use and landscape waivers with the conditions recommended by the Planning department was made by Mr. Sam Holland and seconded by Ms. Cristy Spottswood.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

5. **Major Development Plan and Conditional Use – Truman Waterfront (RE# 00001630-001000; AK# 9038855; RE# 00001630-001100, AK# 9038866)** - An application for a Major Development Plan and Conditional Use for the development of Truman Waterfront parcel located in the Historic Public Service and Semipublic Service -1 (HPS-1), Historic Medium Density Residential (HMDR), Historic Residential Commercial Core – 4 (HRCC-4) and the Historic Neighborhood Commercial – 2 (HNC-2) zoning districts pursuant to Section 108-91(A.)(2.)b. and c. and 122-61 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 and conditional use request.

The applicant, Mr. Randy Hollingworth, of Bermello Ajamil & Partners, Inc., gave members an overview of the request.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning department recommends the request for a Major Development Plan and Conditional Use be **approved** with the following conditions:

1. That the associated bicycle substitution variance is approved by the Planning Board.
2. Navy:
  - a. The existing planned shared pedestrian/auto pathway making use of the existing East Quay shall be modified to eliminate automobile access and a drivable access way from the existing Eaton Street easement area southward to and through the parking lot north of Building 103 shall be implemented separately. This drivable access way will be placed to immediately border the Park boundary with the Truman Annex residential property. The easement dedicated to the Navy from Eaton Street to the Quay will be eliminated, and be replaced with an easement for the new access way. This redefined access way will provide the assured and agreed upon vehicular access way for the Navy from the area of the Eaton Street easement southward to the Southard Street extension into the park.
  - b. The City will continue to coordinate with the Navy during cruise ship operations, including, but not limited to, pedestrian, trolley, bus, chandler support, and train staging, etc., to ensure that there is no impact to the military mission.
  - c. The City will continue discussions with the Navy regarding the option of a joint use Entrance Control Point (ECP) structure and any proposed structures in the vicinity of the ECP will be coordinated with the Navy to ensure clear line of site and compliance with Anti-Terrorism Force Protection (ATFP) standoffs and security requirements.
  - d. A standard operating agreement to define coordination and planning solutions to move military vehicles and equipment through the park complex during urgent or special events shall be concluded before completion of phase 1 construction (road realignment plan) of the Park. This can be assured as a condition of the Major Development Plan approval through a Memorandum of Agreement.
  - e. The easements will be reviewed, updated and/or eliminated through coordination with the Navy as

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- part of the Phase 1 construction documents within 180 days of development plan adoption. This approach will ensure the accuracy of the associated surveys and thus the easement documentation.
- f. In the event that City and Navy have coordinated the use of City property for special events, the coordination efforts will be done to ensure that military operations are not impacted.
  - g. Once the lighting plan has been finalized, the City will conduct an informal lighting study with NAS Key West to determine potential impacts to the military mission. Additionally, the City will coordinate the potential impacts of the proposed lighting on the Navigation Range Markers with the Navy Port operations and local Harbor Pilots. The proposed lighting plans will meet Dark Sky standards that require fixtures to focus light on the ground and not spill off the site.
  - h. After plan adoption the LRA will transmit the development plan for final Navy review subject to the 2002 Quit Claim Deed.
3. An easement is required to be executed with Keys Energy for access to electric poles along Navy boundary on the southern edge of the property.
    4. For all elevated structures, areas between the bottom floor of the structure and grade must be buffered by lattice or similar materials approved by the Historic Preservation Planner and fully landscaped.
  5. Building construction on the site including the development of the amphitheater, community center and building 103 shall at a minimum be LEED certified consistent with Comprehensive Plan Policy 1-1.1.6 that requires a green building certification of the
  6. That rainwater be captured from all building roof surfaces into adequate sized containers highest standard and redistributed for onsite irrigation purposes using ARCOSA standards.
  7. That if permanent irrigation system is required that the system be built to ARCOSA standards.
  8. Lighting shall be designed to “Dark Sky” lighting standards and shall meet energy efficiency standards established by an accepted third party environmental standard consistent with F.S Chapter 255.2575(2).
  9. Tree Commission approval is required for the overall Landscape Plan in addition to each phase of the removal/relocation and replacement of vegetation based upon the approved Landscape Plan.
  10. The complete set of plans dated March 4, 2014 are hereby adopted and incorporated herein.
  11. That the proposed two way traffic direction on Angela Street be coordinate with the adopted Truman Waterfront Connectivity Plan.
  12. Emergency call boxes are distributed throughout the site in coordination with the KWPD.
  13. Fire hydrant locations are coordinated with KWFD.
  14. Two electric vehicle charging stations are installed at three points within the park.
  15. The lease for the restaurant for Building 103 shall contain the following provisions:
    - a) That the business establishes and maintains a marketing plan on order to reduce vehicular trips to the venue promoting multimodal accessibility to the site via website, reservations, etc.
    - b) That the lessee obtains a Green Business Certification.
    - c) That the business separates the collection of food waste to be donated for compost purposes at the adjacent Community Garden or for onsite reuse.
    - d) That the business recycles all materials collected by waste management.
    - e) Lessee must obtain a Conditional Approval Permit, subject to annual inspection

**A motion to approve the major development plan, and conditional use with the conditions recommended by the Planning department was made by Mr. Michael Browning and seconded by Mr. Peter Pike.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

6. **Variances - Truman Waterfront Park (RE# 00001630-001000; AK #9038855; RE# 00001630-001100; AK# 9038866)** - A request for variances to substitute additional bicycle parking to allow for the

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development of the proposed Truman Waterfront Park Master Plan as per Section 108-574, and Section 90-391 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.

The applicant, Mr. Randy Hollingworth, of Bermello Ajamil & Partners, Inc., gave members an overview of the 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 substitute 50 vehicular parking spaces for 200 additional bicycle parking spaces for the development of the Truman Waterfront Park Master Plan be approved with the following condition:

1. That the Major Development Plan and Conditional use for the Truman waterfront Park Master Plan is approved by the City Commission.

**A motion to approve the variances with the conditions recommended by the Planning department was made by Mr. Sam Holland and seconded by Ms. Cristy Spottswood.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **PLANNER'S REPORT**

Mr. Craig had no updates to report.

### **Q&A – Items of interest from Planning Board Members**

### **ADJOURNMENT**

**A motion to adjourn was made by Mr. Peter Pike and seconded by Mr. Michael Browning.**

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

**SO ORDERED**

Meeting adjourned at 8:52pm.

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