

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

## **November 21, 2013 DRAFT MINUTES**

**Vice-Chairman Tim Root called the Key West Planning Board Meeting of November 21, 2013 to order at 6:00pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.**

### **ROLL CALL**

**Present were:** Vice-Chairman Tim Root, Michael Browning, Sam Holland, James Gilleran and Lisa Tennyson

**Excused absence:** Chairman Richard Klitenick

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

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

**Mr. Don Craig stated that there were requests from the Planning Department to postpone Item 1 and 2, 1200 White Street, to the next Planning Board Meeting on December 19, 2013. Mr. Craig stated that the applicant's Planner for Item 4 requested a postponement to the February 16, 2013; due to Sec 14-1, a fine due to the City of Key West that has not been paid.**

**A motion to approve the amended agenda by Mr. James Gilleran and was seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **APPROVAL OF MINUTES**

- **October 17, 2013 Meeting**

**A motion to approve the October 17, 2013 meeting minutes was made by Mr. James Gilleran and seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **Action Items**

**Appointment of a Planning Board member to the Signage Task Force**

**A motion to appoint Mr. James Gilleran was made by Mr. Sam Holland and seconded by Mr. Michael Browning.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

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### 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.

**Postponed to December 19, 2013**

2. **Variance – 1200-1212 White Street and 1124 Catherine Street (RE# 00033010-000000 / 00033050-000000; AK# 1033774 / 1033812)** – A request to allow 7 off-street parking spaces for the 10 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.

**Postponed to December 19, 2013**

3. **After-the-Fact Variances – 2922 Flagler Avenue (RE# 00069210-000000; AK# 1073105)** – A request for building coverage, side and rear-yard setbacks for a shed in the SF zoning district per Sections 122-238(4)a, 122-238(6)a2, and 122-238(6)a3 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave an overview of the after-the-fact variance request, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be **denied**. However, if the Planning Board approves this request, staff would like to require the following conditions:

- Per the Fire Department's request, the 2.83' space between the shed and property line be clear of any obstruction; and
- Per the Building Department's request, install flood vents; and
- Remove all electrical except for one outlet and one light fixture. The outlet and the light fixture have to be installed above the flood plain; 5' off the ground.

Mr. Don Craig stated that the last two conditions were very important. It will be inspected upon completion. Periodically, inspections might occur due to FEMA concerns; the applicant needed to be aware of these inspections.

The applicant, Armando Mundy Parro gave members an overview of the request.

There were no public comments.

**A motion to approve the after the fact variance request with the Planning Department's recommended conditions was made by Mr. Michael Browning and seconded by Mr. Sam Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

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- 4. 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.

**Postponed to February 16, 2013**

**New Business**

- 5. Variance – 804 Catherine Street (RE # 00029470-000000; AK # 1030236) –** A request for variances to the maximum building coverage, maximum impervious surface ratio and minimum side setbacks in order to construct an addition to the existing single-family residential dwelling on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Section 122-600(4) and (6) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave an overview of the variance request. Based on the above analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the requested variances be **denied**.

However, if the Planning Board approves the requested variances, the Planning Department recommends the following conditions:

1. A fire sprinkler system shall be installed and maintained throughout the entire building as approved by the City Fire Marshall.
2. The owner shall obtain a Certificate of Appropriateness for the proposed development prior to building permit issuance.
3. The owner shall obtain a right-of-way permit for the proposed driveway connection and any other work within the Catherine Street right-of-way prior to building permit issuance.

The applicant, Carlos Rojas gave members an overview of the request.

There were no public comments.

**A motion to approve the variance was made by Mr. Sam Holland and seconded by Ms. Lisa Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 6. Variances – 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789 ) –** A variance for impervious surface, building coverage and front yard, street side yard and rear yard setback requirements in the Single Family zoning district per Section 90-391 and Section 122- 238(4)a and (4)b.(1) and Section 122-238 (6)a. (1), (3) and (4) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Malo gave an overview of the variance request. Based on the above analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations the Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations recommends the request for variance be **denied**. However, if the Planning Board approves this request, staff suggests the following conditions:

1. The fence is removed from City property.

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2. That a certificate of appropriateness is obtained from HARC.
3. That all gutters are directed in to downspouts that are directed onto landscaped areas or swales on the property.
4. That the addition is reconstructed to meet FEMA base flood elevation requirements. Mr. Wampler stated to build the 1ft of free board above flood level.
5. Ensure tree protection during demolition of the shed in the back and that any tree to be removed must come before the Tree Commission and to allow enough time for review.
6. That the site is maintained, as shown in the attached site plan for annual Conditional Approval Permit inspection, including setbacks for emergency access, location of machinery, gutters and swales.

The applicant, Thomas Kelly gave members an overview of the request.

There were no public comments.

**A motion to approve the variance was made by Mr. Michael Browning and seconded by Mr. James Gilleran.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

7. **Exception for Outdoor Merchandise Display - 951 Caroline Street (RE # 00002970-000000; AK 1003069)**  
– A request to allow the display of merchandise in the HRCC-2 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

The Planning Department, based on criteria established by the City's Comprehensive Plan and Land Development Regulations, recommends the request for Exception to the Outdoor Merchandise Display be **approved** per the proposed plan with the following conditions:

1. The Exception is limited to 60 months, as shown on the photo for: display of merchandise on two racks proposed to be located on either side of the store entrance;
2. The two racks will hold a combination of 3 kayaks and 2 dinghies;
3. The Exception will only be present during hours of operation. The two racks shall be stored inside the building after hours of operation;
4. Exceptions to Section 106-51 may be revoked by the Planning Board after notice and hearing on grounds that:
  - a) The applicant has failed to comply with terms and conditions specified pursuant to the granting of an Exception in this section;
  - b) The Exception was granted pursuant to mistaken or misleading information; or
  - c) The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to granting of this Exception;
5. The City Manager or the Planning Board upon written petition by any City resident may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.

The applicant, Kevin Robertson, gave members an overview of the request.

Mr. Barroso stated that he would like to comment on accessibility issue. The applicant did reach out to the Fire Department but due to scheduling, the Fire department has not yet met with the applicant.

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Mr. Craig stated that a condition would be added to the approval of exception for outdoor merchandise display that final placement of the location of the racks is based upon the approval of the Fire Marshall.

There were no public comments.

Ms. Gibson informed members that the Department received one comment in favor of the project.

**A motion to approve the exception for outdoor merchandise display with the additional condition of the Planning Director, Mr. Craig, was made by Ms. Lisa Tennyson and seconded by Mr. Michael Browning to open for discussion.**

**Motion was carried by a majority voice vote with Mr. Browning voting nay.**

**SO ORDERED.**

- 8. Variances – 629 Elizabeth Street (RE# 00011940-000000; AK# 1012271) –** A request for front and rear-yard setbacks for a renovation and reconstruction in the HHDR zoning district per Sections , 122-630(6)a, and 122-630(6)c of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave an overview of the variance request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be **denied**.

The applicant, Thomas Kelly, gave members an overview of the request.

There were no public comments.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 9. Conditional Use - 1102 Truman Avenue (RE#00033290-000100; AK#9032222)-** A request to allow a community outreach and counseling center in the HNC-1 zoning district per Section 122-808 (2)of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave an overview of the conditional use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for conditional use be approved with the following conditions:

1. There shall be no overnight accommodations.
2. The bathroom shall be ADA compliant.

The applicant, Jai Somers, Program Coordinator of the Florida Keys Children's Shelter gave members an overview of the request.

There were no public comments.

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Ms. Gibson informed members that the Department received one comment not in favor of the project.

Ms. Gibson was given by the applicant, a list of one hundred and forty seven public signatures in favor of the project to be made part of the record.

**A motion to approve the conditional use was made by Mr. James Gilleran and seconded by Mr. Michael Browning.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 10. Conditional Use - 3101 North Roosevelt Boulevard (RE#00002360-000000; AK#1002453)-** A request to allow small recreational power-driven rentals in the CG zoning district per Section 122-418 (19)of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave an overview of the conditional use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for conditional use be **approved** with the following conditions:

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

1. The recreational rental of any scooter, bicycle or electric car is limited to guests \_registered at the hotel for overnight lodging and only those guests as detailed in the required Conditional Approval Permit;
2. Per Section 18-359, each recreational rental shall be identified by a decal and verified by Code Compliance when affixed;
3. The number of recreational rentals shall be limited to the 20 scooters, 15 bicycles and 2 electric cars.

**A motion to approve the conditional use was made by Mr. Sam Holland and seconded by Ms. Lisa Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### **PLANNER'S REPORT**

Mr. Craig informed members that the City Commission passed a zoning in progress, on November 6, 2013, for a one year parking variance. Mr. Craig stated that the GIS would be fully functional by the first quarter of 2014.

### **ADJOURNMENT**

**A motion to adjourn was made by Mr. Sam Holland and seconded by Mr. Michael Browning.**

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

**SO ORDERED.**

Meeting adjourned at 7:28pm.

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