

Minutes of the Key West Planning Board

March 15, 2012

DRAFT

Vice-Chairman Tim Root called the Key West Planning Board Meeting of March 15, 2012 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, Jim Gilleran (arrived at 6:20pm), Sam Holland, Jr., Gregory Oropeza, Lisa Tennyson and Michael Browning.

Excused absence: Chairman Richard Klitenick

Also in attendance were: Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Planning Department staff: Carlene Smith and Nicole Malo.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Craig informed members that the applicant for 1107 Grinnell has requested an additional month to work with neighbors. This item will be postponed to time certain (April 19, 2012).

Mr. Craig then informed members that the applicant for 201 William has requested postponement to time certain (April 19, 2012).

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

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

1 February 16, 2012 Meeting

A motion to approve the February 16, 2012 meeting minutes was made by Mr. Browning and seconded by Ms. Tennyson.

Motion carried by unanimous voice vote.

SO ORDERED.

RESOLUTIONS

Old Business

2 Conditional Use - 1128 & 1130 Duval Street (RE# 00027950-000000) - A Conditional Use application for a wine bar located in the HRCC-3 zoning district per Section 122-748 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Craig gave members an overview of the conditional use request. He informed members that the request is for a beer and wine bar in an existing clothing and accessory store. Previous commercial uses for this commercial space have included an art studio and gallery, retail sales and services. The applicant is proposing to use 1,075 square feet of that space as alcohol consumption area. Based on the criteria established by the

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Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for conditional use be approved with the following conditions:

Condition to be completed prior to the issuance of a certificate of occupancy:

1. ADA bathroom access is provided and maintained.
2. If the applicant proposes to provide prerecorded background music the applicant will install and maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.
3. The applicant shall obtain a Conditional Use Permit.

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

4. Hours of operation are limited to 10 am to 10 pm.
5. The use is approved for the sale of beer and wine only.
6. There will be no live amplified music on the premises.
7. There will be no more than 1,075 square feet of consumption area allowed without further City approvals.
8. If there is to be prerecorded amplified music, the applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with condition 2 contained herein. The playing of any music (amplified or otherwise) outside of the premises is not permitted without further City approvals.
9. The bar shall be operated as accessory to and in conjunction with the principle retail operation at 1130 Duval Street only. At least 60% of the consumption area shown on the floor plan submitted March 7, 2012, shall contain clothing racks, shelving, cases and/or other displays of merchandise for retail sale. Displays of beer and wine for retail package sales, if any, shall occupy no more than 20% of the consumption area. The bar shall not be open if the retail operation is closed.
10. The applicant is limited to a maximum of ten seats. Additional seating of any kind is not permitted without further City approvals.
11. The bar use is limited to the interior of the property. The expansion or relocation of the consumption area outside of the building is not permitted without further City approvals.
12. The applicant shall renew the Conditional Use Permit issued by the City on an annual basis. The renewal is due on May 31st of every year.

The applicant, Jeremy Ashby, informed members that they have worked with Peter Wagner’s attorney in modifying some conditions. He stated that in condition seven, the square footage of the proposed consumption area has reduced to 1,065. He clarified that the proposed consumption area does not include the sales area.

The following member of the public spoke on the matter:

- Susan Cardenas, legal counsel for Mr. Wagner, 1207 Duval

Members reviewed the request with the applicant, staff and member of the public who spoke on the matter. Members confirmed that Mr. Erskine had a copy of the conditions proposed by the applicant and Ms. Cardenas. Members acknowledged the professional site plan provided by the applicant and commended him for coordinating with his neighbors.

A motion to approve the conditional use request with department recommendations to include amending condition seven was made by Mr. Browning and seconded by Mr. Holland.

Motion was carried by unanimous voice vote.

SO ORDERED.

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- 3 Variance - 1107 Grinnell Street (RE# 00031760-000100) - A variance for rear yard setback and building coverage in the HMDR zoning district per Section 90-391, Section 122-600(4)a and Section 122-600(6)c of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

This item was postponed to time certain (April 19, 2012).

- 4 PS Zoning District Ordinance – Consideration of an ordinance of the City of Key West amending Chapter 122 of the Code of Ordinances entitled “Zoning” of Article IV by amending Sections 122-1016, 122-1017, 122-1018, and 122-1020 for the Public and Semi-public (PS) zoning district, of the City of Key West Land Development Regulations, providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

Ms. Tennyson and Mr. Oropeza have a standing recusal. They both left the dias during the discussion.

Mr. Browning disclosed that he was contacted by several members of the public including Bart Smith. Vice-Chairman Root and Mr. Holland also disclosed they were contacted by Bart Smith. Members acknowledged that issues discussed did not prejudice their decision-making capacity.

Ms. Malo gave members an overview of the proposed ordinance amendment. She informed members that the proposed text amendments have been heard twice by the Planning Board at public meetings held November 17, 2011 and on January 18, 2012. After members of the public continued to raise concerns regarding the proposed amendments at the January 18, 2012 hearing, primarily regarding the potential development of Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless, the Planning Board recommended changes to the proposed ordinance that the specific use of Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless be defined as Essential Public Services and Facilities be listed as a conditional use with specific criteria for development and operational limitations. The use was previously considered a permitted use in the PS zoning district. No additional changes are proposed to the original amendment request. Planning Staff recommends the Planning Board forward a recommendation of approval of the ordinance amending Sections 122-1016, 122-1017, 122-1018, and 122-1020 of the Land Development Regulations.

The following members of the public spoke on the matter:

- Vickie Datzman, 61 Spoonbill Way
- Dave Hubbert, 111 Golf Club Drive
- Bob Munson, 20 Kingfisher Lane
- Pete Fazio, 140 Golf Club Drive
- Mark Gambuzza, 214 Golf Club Drive
- Steve Black, 227 Golf Club Drive
- Bart Smith, 1111 Grinnell

Mr. Craig clarified for members of the public floor area ratio and gave an overview of the conditional use process.

Mr. Craig then addressed public comments made by Mr. Smith.

Mr. Erskine addressed Mr. Smith’s concern regarding the improper motion made after the motion failed at the November 17, 2011 meeting.

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Members reviewed the request with staff and members of the public who spoke on the matter. Members were in agreement that the proposed amendments protect the public interest by providing clarity, additional oversight and a set of guidelines for development criteria.

A motion to recommend to the City Commission the proposed ordinance for the PS Zoning District was made by Mr. Browning and seconded by Mr. Holland.

Motion was carried by unanimous voice vote.

SO ORDERED.

Ms. Tennyson and Mr. Oropeza returned to the dias.

New Business

- 5 Variance - 2718 Harris Street (RE# 00067640-000000) - A request for a rear yard setback and building coverage variances in the SF zoning district per Section 90-391, Section 122-238(4)a. and Section 122-238(6)a3. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Craig gave members an overview of the variance request. He informed members that the request is for variances to building coverage and rear yard setback requirements to construct a roof addition over a portion of the existing patio. He stated that the applicant previously made a variance request to construct a roof over the entire patio area encroaching into the rear-yard setback up to five feet from the property line, which was denied last year by the Board. This application is substantially different to the extent that there is over a 50% reduction in the area requested for the variance. Further, the encroachment into the required rear-yard setback is no greater than what currently exists. 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 owner, Mary Bentley, gave members an overview of the request. She stated that they have coordinated with neighbors.

The following member of the public spoke on the matter:

- Diana Jones, 2721 Harris

Mr. Craig confirmed for Ms. Jones that the variance request is limited to what is on the site plan.

Members reviewed the request with the applicant, staff and member of the public who spoke on the matter. Members acknowledged that the applicant addressed neighbor concerns and commended their efforts.

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

Motion was carried by unanimous voice vote.

SO ORDERED.

- 6 Variance - 906 Johnson Street (RE# 00058740-000000) - A request for variances to building coverage and impervious surface ratio in the SF zoning district per Section 90-391, Section 122-238(4)a.2 and Section 122-238(4)b.1 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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Mr. Craig gave members an overview of the variance request. He informed members that the request is to increase existing impervious surface ratio and building coverage to construct a carport. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be denied.

The applicant was not present for the discussion. Vice-Chairman Root requested the item be postponed since he had some questions for the applicant.

A motion to postpone the variance request to time certain (April 19, 2012) was made by Mr. Browning and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 7 Major Development Plan - 201 William Street (RE# 00072082-004200) - A Major Development Plan for the addition of outdoor commercial activity for a new restaurant in the HRCC-2 zoning district per Section 108-91A(2)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

This item was postponed to time certain (April 19, 2012).

PLANNER'S REPORT

Mr. Craig informed members that the Hurricane Evacuation Workshop was postponed to April 30th. He then clarified for members that 230-246 Front Street request will be coming back to the Board on April 19th.

Mr. Gilleran suggested that the Planning website create a section to address frequently asked questions.

ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 8:05 pm.

**Respectfully submitted by,
Carlene Smith
Development Review Administrator
Planning Department**