

Minutes of the Key West Planning Board
May 19, 2011 **DRAFT**

Vice-Chairman Tim Root called the Key West Planning Board Meeting of May 19, 2011 to order at 6:05 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Vice-Chairman Tim Root; Members: Jim Gilleran, Gregory Oropeza and Lisa Tennyson.

Excused Absence: Chairman Richard Klitenick, Michael Browning and Sam Holland, Jr.

Also in attendance were: 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

Mr. Cunningham informed members that the applicant for 908 Trinity has requested postponement to the June 16, 2011 Planning Board meeting.

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

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

1 April 21, 2011 – Meeting Minutes

A motion to approve the April 21, 2011 meeting minutes was made by Mr. Gilleran and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

RESOLUTIONS

Old Business

- 2 After the Fact Variances – 908 Trinity Drive #4 (RE# 00065570-001010) – A variance request for building coverage, impervious surface ratio, side, and rear setbacks in the Single Family zoning district per 122-238 (4)(a), 122-238 (4)(b)(1), 122-238 (6)(a)(2) and (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

This item has been postponed to the June 16, 2011 Planning Board meeting.

New Business

- 3 Special Exception - 511 Eaton Street (RE# 00004330-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church and funeral home for property located**

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within the HRCC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.

Mrs. Monnier gave members an overview of the special exception to the prohibition of alcoholic beverage sales request. She informed members that the special exception request is for the Old Town Manor to sell alcohol within 300 ft. of St. Paul's Episcopal Church and the Dean Lopez Funeral Home. This is the first time that the Planning Board will be considering special exception for alcoholic beverage sales within 300 ft. of sensitive uses under the new criteria established by the City Commission earlier this year. She added that the existing guesthouse is located within a block of Duval Street, within the HRCC-1 zoning district, which is one of the most intense zoning districts within the City. The applicants are requesting to sell alcohol as an amenity to lodging guests, as well as guests who may be attending events such as weddings on the site. Planning Department recommends that the request for special exception be approved with the following conditions:

- The exception is granted exclusively to the applicants, Walter Price and Swati Goyal of Wong Song Enterprises, Inc.
- The exception is not transferable.
- The exception is only effective with the following uses, as specified in the application; guests staying at the Old Town Manor, or guests attending events hosted on-site.
- That no permanent bar be erected on-site.

The applicants, Walter Price and Swati Goyal, gave members an overview of their request. They informed members that they held two different meetings with the churches to address their concerns.

The following member of the public spoke on the matter:

- Reverend Bernard Lane, 223 Truman

Board members reviewed and discussed the request with the applicant and staff. Members discussed operating hours and voiced their concern on an approval setting a precedent on more guest houses in the vicinity requesting special exceptions.

A motion to approve the special exception to the prohibition of alcoholic beverage sales request to include conditions recommended by the Planning Department was made by Ms. Tennyson and seconded by Mr. Oropeza.

Motion failed by 2-2 vote (opposed by Mr. Gilleran and Mr. Root).

A motion to rescind was made by Ms. Tennyson and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

A motion to postpone the item to time certain (June 16, 2011) was made by Mr. Gilleran and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

4 Variances – 1125 Von Phister (RE# 00038550-000000) – A request for front and side-yard setback requirements, building coverage and impervious surface ratio for a second storey addition of a

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contributing structure in the HMDR zoning district per Section 90-391 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Malo gave members an overview of the variances request. She informed members that this single family home is a contributing structure listed in the Historic Architectural Survey as built in 1907. On February 8, 2011 HARC approved the second storey addition to the rear of the structure. Subsequently, on May 12, 2011 the applicant submitted a revised elevation drawing to the Historic Preservation Planner. The revision included the removal of a window associated with the addition in response to a neighbor's request, and was approved by staff the same day. Currently the property is conforming to rear, and the easterly side yard setback requirements, but non-conforming to front and side yard setbacks, impervious surface ratio and building coverage. This second storey addition request does not alter the existing footprint of the structure. Nor does it increase historical non-conformities; however, the second storey addition will be built above the encroaching westerly side-yard setback thus triggering the need for a variance. 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 chooses to approve the variance application, the Planning Department recommends the following condition:

- That the applicant obtains approval from the Historic Preservation Department for the proposed new gutters and down spouts.

The applicant's representative, Owen Trepanier with Trepanier and Associates, gave members an overview of the request. Mr. Trepanier requested that the following four additional conditions be added to the request:

- That the property owner will make a reasonable effort to attenuate the noise from the air conditioning system
- That a landscape buffer is installed between the subject property and the rear property
- That no windows are added on the left side of the second storey addition
- That an arborist is hired by subject property owner to inspect the gumbo limbo on site

The following member of the public spoke on the matter:

- Wayne LaRue Smith on behalf of Ted Slaughter, 333 Fleming

Board members reviewed and discussed the request with the applicant and staff. Members commended the applicant for working with their neighbor.

A motion to approve the variances request to include conditions recommended by the Planning Department and the applicant was made by Mr. Gilleran and seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

5 Variances – 321 Catherine Street (RE# 00026350-000000) – A request for building coverage for a rear covered porch associated with an addition and to an existing non-conforming front yard setback for a single family contributing structure in the HMDR zoning district per Section 122-600(4) a. and (6) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Malo gave members an overview of the variances request. She informed members that the variance request is for approximately 360 square feet of additional building coverage for a wrap around covered porch and eaves associated with the reconstruction of a rear addition. The portions of the addition that are enclosed meet the dimensional criteria for the zoning district and can be constructed without the need for a variance request. No changes are proposed to the existing shed; therefore, for the purpose of this request, all setback measurements have been taken from the primary structure where construction is proposed. Although no new construction is

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proposed in the front of the structure the existing front setback is nonconforming and is therefore considered part of the variance request. 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's architect, Bill Horn, gave members an overview of their request.

The following member of the public spoke on the matter:

- Annamarie Giordano, 325 Catherine

Board members reviewed and discussed the request with the applicant, staff and Mrs. Giordano. Mrs. Giordano is the adjacent neighbor and was concerned about the location of the air conditioning unit and pool pumps and the second storey window that would be facing their home. Mr. Horn agreed to relocate both the air conditioning unit and pool pump to the opposite side of the home as well as place bahama shutters on the bedroom window.

A motion to postpone the variance request so that the applicant can coordinate with their neighbor Mrs. Giordano, was made by Mr. Gilleran.

Motion died due to lack of a second.

A motion to approve the variances request to include the following conditions was made by Mr. Oropeza:

- That the pool pump and air conditioning unit are relocated away from the adjacent property and towards the center of the subject property;
- That bahama shutters are installed on the second storey windows that overlook the adjacent property;
- That site plans reflecting changes one and two above must be provided to Planning staff for confirmation.

Mr. Gilleran verified with staff that they are in agreement with the conditions.

Motion was seconded by Ms. Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

6 Variances – 313 Truman Avenue (RE# 00014940-000000) – A request for building coverage, impervious surface ratio and setback requirements in the HMDR zoning district per Section 122-600 (4) a. and (6) a., b. and c. as required when the renovation exceeds 66% of the assessed or appraised value of the structure per Section 122-28 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the variances request. He informed members that the existing structure is in a dilapidated condition and the applicant intends to renovate and expand the structure. To do so, per Section 122-28(b), the applicant is requesting variances to existing building setback requirements since the cost of the proposed renovations exceeds 66% of the assessed value as proscribed in the code. 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, should the Planning Board choose to approve this request, staff recommends the following condition:

- That the applicant actively maintain the proposed swale shown on the plans for stormwater management purposes.

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

The following members of the public spoke on the matter:

- Reverend Bernard Lane, 223 Truman
- Owen Trepanier, 1024 Thomas

Board members reviewed the request.

A motion to approve the variances request to include the condition recommended by the Planning Department was made by Ms. Tennyson and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

7 Variances – 611 Grinnell Street, Unit 1 (RE# 00010810-000100) – A request for front, side and rear yard setback requirements in the HHDR zoning district per Section 122-630(6) a., 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 variances request. He informed members that the applicant is requesting a variance to accommodate a one storey addition to include a bedroom and living area. The addition will replace an existing porch and decked area. He added that this project is a challenge to the owner. The addition can only be done in the front yard since this is a compound that operates as a condominium so they are unable to expand to the side or rear of the property. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variances be denied.

Mr. Root verified that the dimensional requirements are based on the applicant's property and the coverage was based on the compound as a whole.

The applicant's representative, Anthony Sarno with mbi-k2m Architecture, Inc. gave member an overview of the request.

There were no public comments.

Board members reviewed and discussed the request with the applicant and staff.

A motion to approve the variances request was made by Mr. Oropeza and seconded by Mr. Gilleran.

Motion was carried by unanimous voice vote.

SO ORDERED.

ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

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Meeting adjourned at 7:30 pm.

Submitted by,
Carlene Cowart
Development Review Administrator
Planning Department