

# Minutes of the Key West Planning Board

## November 16, 2011

**DRAFT**

Chairman Richard Klitenick called the Key West Planning Board Special Meeting of November 16, 2011 to order at 6:05pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### ROLL CALL

**Present were:** Chairman Richard Klitenick, Vice-Chairman Tim Root (arrived 6:15pm), Jim Gilleran, Gregory Oropeza and Lisa Tennyson.

**Excused Absence:** Michael Browning and Sam Holland, Jr.

**Also in attendance were:** Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Lt. Fire Inspector, Alan Averette; Planning Department staff: Brendon Cunningham, Carlene Cowart and Nicole Malo.

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

Mr. Craig informed that Ms. Malo will present the outdoor display applications for Lazy Way as an overview of the scope of the project and the common display area involved. Members will then vote on each item individually.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### APPROVAL OF MINUTES

#### 1 October 20, 2011 – Meeting Minutes

Chairman Klitenick stated that under item 3, it should state that Chairman Klitenick and Mr. Holland disclosed that they are on the Board of Directors of The Friends of Higgs Beach, Inc, Florida Nonprofit Corporation.

**A motion to approve the amended October 20, 2011 meeting minutes was made by Mr. Oropeza and seconded by Ms. Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### RESOLUTIONS

#### New Business

- 2 Solar Collectors, Scuttles and Skylights Ordinance – HARC Guidelines - An Ordinance of the City Commission of the City of Key West, approving an amendment to the Historic Architectural Review Commission Guidelines as referenced in Section 90-142 of the Code of Ordinances of the City of Key West, Florida; and providing an effective date..**

Mr. Craig gave members an overview of the proposed ordinance. Mr. Craig stated that the new proposed solar energy collectors or other energy production devices provisions offer informative guidance to citizens and

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general public on the appropriateness of the installation of energy production devices without affecting the historical character of the district and of historic buildings.

The following member of the public spoke on the matter:

- Jed Regante, 1612 United

Members reviewed the proposed ordinance. Members stated that the ordinance was well crafted.

**A motion to recommend to the City Commission the proposed Solar Collectors, Scuttles and Skylights Ordinance was made by Vice-Chairman Root and seconded by Mr. Oropeza.**

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

**SO ORDERED.**

**3 Transient License Transfer - 817 Catherine Street (RE# 00029852-000000) to 515 B Louisa Street (RE# 00028580-000102) - An application for a Transient License Transfer from 817 Catherine Street in the HNC-2 zoning district to 515 B Louisa Street, in the HRCC-1 zoning district per Section 122-1339 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Oropeza recused himself since his firm represents the applicant. He left the dias during the discussion.

Mr. Cunningham gave members an overview of the transient license transfer. He informed members that the nonconformity of the original use will be eliminated through the transfer of the license. The receiver site is a property that can support transient rental use. The sender site license is from a two bedroom and two bathroom unit. Since the receiver site is a single-family condo unit, to achieve parity with regard to relative size of units, the number of bedrooms will be considered. Based on the criteria established by the Comprehensive Plan and the City Code, the Planning Department recommends the request for transient license transfer be approved.

The applicant's attorney, Bart Smith, gave members an overview of the request.

There were no public comments.

Members reviewed the request.

**A motion to approve the transient license transfer request was made by Ms. Tennyson and seconded by Vice-Chairman Root.**

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

**SO ORDERED.**

Mr. Oropeza returned to the dias.

**4 Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit A, A-1, B (RE# 00072082-003903) – A request to allow the display of merchandise sold in-store, for Yours And Mayan, LLC., located on Lazy Way Lane, Unit A, A-1, B in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West**

Ms. Malo gave members an overview of the scope of the project on Lazy Way and the common display area involved. Based on the criteria established by the City's Comprehensive Plan and Land Development

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Regulations, the Planning Department 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 site plan for:
  - Unit A
    - Display of merchandise hanging within the frame of the door (either open or closed) and three shelves adjacent to the door on Elizabeth Street.
    - Display on the shutters and hanging mask display on the window facing Lazy Way Lane.
  - Units A-1 and B
    - Display of merchandise hanging from the wooden panels on the double doors (either open or closed).
    - One small wooden chair and two 32”x 32” wooden tables to be located as shown on the site plans for fire access.
    - Three wooden shelves adjacent to the double doors.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, Donald Kilgore, and granted for a term of 60 months.
4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
5. 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 grant 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 grant of this Exception.
6. 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.
7. That no display is allowed within 36” of the door way access for ADA and Fire access.

**A motion to approve the exception for outdoor display to include Planning Department recommendations was made by Mr. Gilleran and seconded by Ms. Tennyson.**

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

**SO ORDERED.**

**5 Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit C (RE# 00072082-003903) - A request to allow the display of merchandise sold in-store, for the Southernmost Seaglass LLC., located on Lazy Way Lane, Unit C in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Based on the criteria established by the City’s Comprehensive Plan and Land Development Regulations; the Planning Department 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, as shown on the site plan, to a free-standing shelved structure, basket, and racks on the double doors of the structure.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, James McElderry & Susan Labate and granted for a term of 60 months.
4. A certificate of appropriateness will be required for any elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.

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5. 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 grant 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 grant of this Exception.
6. 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.
7. That no display is allowed within 36" of the door way access for ADA and Fire access.

**A motion to approve the exception for outdoor display to include Planning Department recommendations was made by Ms. Tennyson and seconded by Vice-Chairman Root.**

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

**SO ORDERED.**

- 6 Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit D (RE# 00072082-003903) - A request to allow the display of merchandise sold in-store, for the Key West Pretzel Company LLC., located on Lazy Way Lane, Unit D in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Based on the criteria established by the City's Comprehensive Plan and Land Development Regulations; the Planning Department 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, as shown on the site plan, to two hanging racks on the French doors, a wooden shelf, two tables, photographic menus, and will not be placed in the City right-of-way.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, Jan Nelson, and granted for a term of 60 months.
4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
5. 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 grant 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 grant of this Exception.
6. 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.
7. That no display is allowed within 36" of the door way access for ADA and Fire access.

**A motion to approve the exception for outdoor display to include Planning Department recommendations was made by Mr. Oropeza and seconded by Vice-Chairman Root.**

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

**SO ORDERED.**

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**7 Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit F (RE# 00072082-003904) – A request to allow the display of merchandise sold in-store, for AER Photography Inc., located on Lazy Way Lane, Unit F in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Based on the criteria established by the City’s Comprehensive Plan and Land Development Regulations; the Planning Department 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:
  - Shelving on the double doors to display pints and framed apparel;
  - Two V-shaped flip-through display racks;
  - One easel.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, Alicia Renner and granted for a term of 60 months.
4. The applicant shall remove the single green shutter on the window.
5. Display on the double doors shall be within the door frame and shall not cover parts of the door frame.
6. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
7. 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 grant 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 grant of this Exception.
8. 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.
9. That no display is allowed within 36” of the door way access for ADA and Fire access.

**A motion to approve the exception for outdoor display to include Planning Department recommendations was made by Vice-Chairman Root and seconded by Mr. Gilleran.**

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

**SO ORDERED.**

**8 Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit G (RE# 00072082-003904) – A request to allow the display of merchandise sold in-store, for Dragonfly Key West, LLC., located on Lazy Way Lane, Unit H in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Based on the criteria established by the City’s Comprehensive Plan and Land Development Regulations; the Planning Department 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, and will not be placed in the City right-of-way, as shown on the site plan to:
  - Three mannequins upheld by rods that are stabilized within flower pots to be placed around the garden area;
  - One rod, placed horizontally from the outside beam of the covered porch to the wall of the building for hanging merchandise;
  - A four tiered freestanding shelving display of 5’ high x 26” wide;

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- One hook hanging to the left of the double doors for display of merchandise.
- 2. The Exception will only be present during hours of operation.
- 3. The Exception is specific to the applicant, Keir Loranger and granted for a term of 60 months.
- 4. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
- 5. 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 grant 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 grant of this Exception.
- 6. 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.
- 7. That no display is allowed within 36” of the door way access for ADA and Fire access.

**A motion to approve the exception for outdoor display to include Planning Department recommendations was made by Mr. Gilleran and seconded by Ms. Tennyson.**

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

**SO ORDERED.**

**9 Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit H (RE# 00072082-003904) – A request to allow the display of merchandise sold in-store, for Captain Quickdry Inc., located on Lazy Way Lane, Unit H in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Based on the criteria established by the City’s Comprehensive Plan and Land Development Regulations; the Planning Department 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, as shown on the site plan and will not be placed in the City right-of-way as follows:
  - Three hanging wooden racks mounted on the outside of the double doors (opened or closed);
  - The amount of clothing hanging on the racks is limited to 2-4 items per rack;
  - A free-standing outdoor rack of 52” in height;
  - Three wooden shelves mounted on the structure on either side of the single front door; one side of 42” in length and the other side of 14” in length; and
  - Three wooden shelves mounted on the structure on either side of the double doors; one side of 15” in length and the other side of 9” in length; and
  - Two wooden barrels for mannequin display.
2. No objects shall be placed on the top door racks that cover the door frames;
3. The Exception will only be present during hours of operation.
4. The Exception is specific to the applicant, Steven Greenfield, and granted for a term of 60 months.
5. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.
6. 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 grant of an Exception in this section;
  - b. The Exception was granted pursuant to mistaken or misleading information; or

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- c. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of this Exception.
- 7. 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.
- 8. That no display is allowed within 36" of the door way access for ADA and Fire access.

**A motion to approve the exception for outdoor display to include Planning Department recommendations was made by Ms. Tennyson and seconded by Mr. Oropeza.**

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

**SO ORDERED.**

**PLANNER'S REPORT**

No Planner's Report was given.

**ADJOURNMENT**

**A motion to adjourn was made by Vice-Chairman Root and seconded by Ms. Tennyson.**

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

**SO ORDERED.**

Meeting adjourned at 7:00 pm.

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