

Minutes of the Key West Planning Board

January 23, 2014 DRAFT MINUTES

Acting Chairman James Gilleran called the Key West Planning Board Meeting of January 23, 2014 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Michael Browning, Sam Holland, James Gilleran, Peter Pike, Cristy Spottswood and Lisa Tennyson

Excused absence: Chairman Richard Klitenick and Fire Department, Jason Barroso;

Also in attendance were: Planning Director, Donald Craig, Chief Assistant City Attorney, Larry Erskine; Planning Department staff: Kevin Bond, Brendon Cunningham, Stacy Gibson and Carlene Smith.

PLEDGE OF ALLEGIANCE

Mr. Craig informed members since the organizational meeting for this year has not yet happened and the absence of Chairman and Vice Chairman that an Acting Chairman is designated for the purpose of tonight's meeting.

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

Motion carried by unanimous voice vote.

Mr. Craig informed Acting Chairman, Mr. James Gilleran due to the absence of Mr. Jason Barroso, the Fire departments comments will be made part of the record at this time.

APPROVAL OF AGENDA

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

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

- **January 16, 2014 Meeting**

A motion to approve the January 16, 2014 meeting minutes was made by Mr. Sam Holland and seconded by Mr. Michael Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

Action Items

Election of a Chair.

Mr. Michael Browning made a motion to nominate Mr. Richard Klitenick for Chairman.

**Minutes of the Key West Planning Board
January 23, 2014 DRAFT MINUTES**

A motion to appoint Mr. Richard Klitenick as Chairman was made by Mr. Michael Browning and seconded by Mr. James Gilleran.

Motion carried by unanimous voice vote.

SO ORDERED.

SO ORDERED.

Election of a Vice - Chair.

Mr. Michael Browning made a motion to nominate Mr. James Gilleran for Vice-Chairman. Mr. James Gilleran declined.

A motion to appoint Mr. Sam Holland as Vice-Chairman was made by Mr. James Gilleran and seconded by Mr. Michael Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

RESOLUTIONS

New Business

- 1. Building Permit Allocation System (BPAS) Annual Report** - Presentation of the tracking and monitoring requirements as required by Section 108-995 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Craig gave an overview of the Building Permit Allocation System (BPAS) Annual Report.

No comments per the Fire department.

A motion to approve the building permit allocation system (BPAS) annual report was made by Mr. Michael Browning and seconded by Ms. Lisa Tennyson.

Motion carried by unanimous voice vote.

SO ORDERED.

- 2. Variance – 3930 South Roosevelt Boulevard (RE # 00066180-000400; AK # 8781644)** – A request for variances to the minimum open space and maximum impervious surface ratio in order to construct a community and fitness center building on property located within the High Density Residential (HDR) Zoning District pursuant to Sections 108-346(b) and 122-330(4)b. 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**.

Minutes of the Key West Planning Board

January 23, 2014 **DRAFT MINUTES**

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

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

1. The applicant shall obtain approval of a stormwater management plan and a landscape plan.

Conditions required to be completed prior to a Certificate of Occupancy and/or final inspection:

2. One additional ADA-accessible parking space shall be provided in order to fully comply with City Code Section 108-650.

The applicant, Greg Oropeza, Smith / Oropeza, P.L., gave members an overview of the request.

Mr. James Barroso stated to maintain 5ft. setbacks free and clear of obstruction, new building to be protected by a fire sprinkler and must meet life safety codes.

There were no public comments.

A motion to approve the variance to include Planning Department recommended conditions was made by Mr. Sam Holland and seconded by Mr. Peter Pike.

Motion carried by unanimous voice vote.

SO ORDERED.

3. **Transient License Transfer - 1800 Atlantic Boulevard, #B318 to 516 Catherine Street (RE # 00063560-007200; AK # 8679351) (RE # 00028600-000000; AK # 1029386)** – A request for a Transient License Transfer of one transient license from property located in the MDR zoning district to property located in the HRCC-3 zoning district per Section 122-13398 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave members an overview of the transient license transfer 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 **Approval** of the transient transfer of one license originally located at 1800 Atlantic Boulevard, #B318 to 516 Catherine Street.

The applicant, Ms. Ginny Stones, Stones & Cardenas, gave members an overview of the request.

Mr. James Barroso stated the occupancy to be brought into compliance with life safety transient rental requirements prior to certificate of occupancy.

There were no public comments.

A motion to approve the transient license transfer was made by Ms. Cristy Spottswood and seconded by Mr. Michael Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

Minutes of the Key West Planning Board

January 23, 2014 **DRAFT MINUTES**

4. **Variations – 1008 Watson Street (RE # 00031280-000100; AK # 8843224)** - A request for variations to allowed impervious surface ratio, front and rear-yard setback requirements on property located within the HMDR Zoning District pursuant to Sections 122-600(4)b., and (6) a. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave an overview of the variance request. Based on the above analysis of the standards for considering variations 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, Mr. Michael Ingram, mbi / k2m Architecture, Inc. gave members an overview of the request.

Mr. James Barroso stated to maintain 5ft. setbacks free and clear of obstruction.

There were no public comments.

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

Motion carried by unanimous voice vote.

SO ORDERED.

5. **Minor Development Plan – 512-524 Eaton Street (RE # 00006500-000000; AK # 1006734 and RE # 00006500-000100; AK # 8792239)** - Request for Minor Development Plan approval and a waiver to landscape requirements for the reconstruction of existing commercial floor area for conversion to ancillary use to an existing dinner theater at property located in the HNC-1 zoning district per Sections 108-91(A)(1)(b) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave an overview of the minor development plan request. Based on the above analysis of the standards for considering minor development plan established by the Comprehensive Plan and the Land Development Regulations the Planning Department, recommends the request for minor development plan be **approved** with the following conditions:

Conditions to be completed prior to the issuance of building permits:

1. The applicant receives a variance to the rear and side-yard setbacks.
Conditions to be completed prior to the issuance of certificate of occupancy:
2. The applicant maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such sound system include a computerized sound monitoring system with real time monitoring access is provided to the City or in the alternative, the applicant may sound-proof the building such that it complies with Section 26-191(1)
3. The building at 512 Eaton Street be sprinkled.
4. Any lighting fixtures shall meet “Dark Sky” lighting standards.
5. Applicant must receive a landscape buffer waiver per Sections 108.413 and 108.517 of the Code of Ordinances;
6. The building design and lighting, and signage shall be approved by HARC.

Minutes of the Key West Planning Board

January 23, 2014 **DRAFT MINUTES**

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

1. 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 the conditions contained herein.

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

Mr. James Barroso stated to maintain 5ft setbacks free and clear, the proposed residential and assembly occupancies to be protected by a fire sprinkler and fire alarm system, and must meet life safety codes. The open access for ingress/egress to the theater building at ground level, which is currently blocked has to have a fire rated egress corridor built. This will allow safe means of ingress/egress for occupants and emergency responders. This area is to remain free and clear of obstructions at all times.

There were no public comments.

A motion to approve the minor development plan to include Planning Department recommended conditions with the either or language added per Mr. Larry Erskine, was made by Mr. Michael Browning and seconded by Mr. Peter Pike.

Motion carried by unanimous voice vote.

SO ORDERED.

6. **Variance – 512-524 Eaton Street (RE # 00006500-000000; AK # 1006734 and RE # 00006500-000100; AK # 8792239)** – A request for side and rear-yard setback variances for the construction of emergency ingress and egress at property in the HNC-1 zoning district per Section 90-391 and Section 122-238(6)a.2 & a.3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave an overview of the variance request. Based on the above analysis of the standards for considering minor development plan 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 that the request for variances be approved as they are directly related to life safety requirements.

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

Mr. James Barroso stated to maintain 5ft setbacks free and clear, the proposed residential and assembly occupancies to be protected by a fire sprinkler and fire alarm system, and must meet life safety codes. The open access for ingress/egress to the theater building at ground level, which is currently blocked has to have a fire rated egress corridor built. This will allow safe means of ingress/egress for occupants and emergency responders. This area is to remain free and clear of obstructions at all times.

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.

Minutes of the Key West Planning Board

January 23, 2014 **DRAFT MINUTES**

7. **Alcohol Sales Special Exception – 512-524 Eaton Street (RE # 00006500-000000; AK # 1006734 & RE # 00006500-000100; AK # 8792239)** – A request for special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral home for property located within the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave an overview of the alcohol sales special exception request. Based on the above analysis of the standards for considering alcohol sales special exception established by the Comprehensive Plan and the Land Development Regulations the Planning Department, recommends the request for Special Exception be **approved** with the following conditions:

1. The exception is granted exclusively to the applicant and property owner, Tap All Potential 512-524 Eaton LLC, Tapley O. Johnson III, Managing Member.
2. The exception is not transferable.
3. The exception is only effective with the following uses, as specified in the application: patrons of the dinner theater, as approved in Planning Board Resolution 2009-043, 2007-042, and extended in accordance with Florida State House and Senate Bills for government issued development orders.
4. That the sale of alcohol is accessory to the restaurant use on the site, and is subject to the terms of the conditional use approval granted through Resolution 2007-042, as well as the conditional use extension granted by Planning Board Resolution 2009-043, and extended in accordance with Florida State House and Senate Bills for government issued development orders.
5. Alcohol sales cannot occur between 4:00 a.m. and 12:00 p.m. on Sundays to preserve compatibility with the two churches that are located within 300 feet of 512 Eaton Street.

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

Mr. James Barroso stated to maintain 5ft setbacks free and clear, the proposed residential and assembly occupancies to be protected by a fire sprinkler and fire alarm system, and must meet life safety codes. The open access for ingress/egress to the theater building at ground level, which is currently blocked has to have a fire rated egress corridor built. This will allow safe means of ingress/egress for occupants and emergency responders. This area is to remain free and clear of obstructions at all times.

The following members of the public spoke on the matter:

Father Hooper, St. Paul's Episcopal Church

A motion to approve the alcohol sales special exception to include Planning Department recommended conditions was made by Ms. Lisa Tennyson and seconded by Ms. Cristy Spottswood.

Motion carried by unanimous voice vote.

SO ORDERED.

PLANNER'S REPORT

**Minutes of the Key West Planning Board
January 23, 2014 DRAFT MINUTES**

Mr. Craig informed members of the sponsored Planning department meeting, the LDR Overhaul Workshop to be held at the Harvey Government Center on February 5th from 5:30pm to 7:30pm. He stated that the Planning department will advertise for this and asked the members to come by if time allowed to participate in the meeting.

Q&A – Items of interest from Planning Board Members

ADJOURNMENT

A motion to adjourn was made by Mr. Michael Browning and seconded by Ms. Lisa Tennyson.

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:11 pm.

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