

# Minutes of the Key West Planning Board

## March 27, 2012 **DRAFT**

Chairman Richard Klitenick called the Key West Planning Board Special Meeting of March 27, 2012 to order at 6:00pm pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### ROLL CALL

**Present were:** Chairman Richard Klitenick, Vice-Chairman Tim Root, Jim Gilleran, Sam Holland, Jr., Gregory Oropeza and Lisa Tennyson.

**Excused absence:** Michael Browning

**Also in attendance were:** Planning Director, Donald Craig; Chief Assistant City Attorney, Larry Erskine; Assistant City Attorney, Ron Ramsingh; Planning Department staff: Brendon Cunningham, Carlene Smith, Ashley Monnier and Nicole Malo.

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

Mr. Craig stated that due to a particular advertisement requirement, he requested that Zoning in Progress be postponed to time certain (April 19, 2012).

**A motion to approve the amended agenda was made by Vice-Chairman Root and seconded by Ms. Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### APPROVAL OF MINUTES

#### **1 March 15, 2012 Meeting**

Mr. Klitenick abstained since he was not present at the March 15, 2012 meeting.

**A motion to approve the March 15, 2012 meeting minutes was made by Mr. Gilleran and seconded by Mr. Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### RESOLUTIONS

- 2 Proposed Revision to HARC Demolition Ordinance - An Ordinance of The City Of Key West, Florida, amending Chapter 102 entitled "Historic Preservation" by amending Section 102-217 "Required Public Meetings", relaxing the requirements to obtain approval to demolish non-historic and non-contributing buildings or structures in the historic district and including contributing buildings and structures outside of the historic district in Section 102-216; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.**

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Mr. Ramsingh gave members an overview of the proposed HARC demolition ordinance request. He informed members that it is the intent of HARC and city management to expedite the process for demolitions in the historic district and even more so when there is a code case requiring some level of demolition for compliance. The proposed revision addresses demolitions in the historic district as well as contributing buildings and structures that are located outside of the historic district. Specifically, the proposal relaxes the requirement from two readings to one for the demolition of any non-contributing or non-historic building or structure within the historic district.

Members reviewed the request with staff and clarified that they are not looking at the HARC criteria but a specific change to the ordinance.

**A motion to recommend to the City Commission the proposed revision to HARC demolition ordinance was made by Vice-Chairman Root and seconded by Ms. Tennyson.**

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

**SO ORDERED.**

**3 Variances - 812 & 814 Baptist Lane (RE# 00014520-000000) - A request for side and rear-yard setback requirements in the HMDR zoning district per Section 122-600 (6) 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 proposed ordinance amendment. He informed members that the request is for variances to rear and side-yard setback requirements to renovate and reconstruct an existing building. The building is legally nonconforming regarding impervious rear and side-yard setback requirements. The building is in poor condition and is in need of considerable work. The building encroaches into the rear and side-yard setbacks. Variances are required as the scope of work will greatly exceed 66% of the value of the structure. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied. However, if the Planning Board chooses to approve this request, Staff recommends the following conditions:

1. That the building be centered between the side property lines.
2. The proposed gravel parking area be replaced with brick pavers.

Mr. Cunningham informed members that the structure is non-contributing.

The applicant, Ty Symroski, gave members an overview of the request. He stated that both the applicant and HARC agree that this is a historic structure. He informed members that the building was on the Sanborn map. He then stated that letters were sent to surrounding property owners within 300' radius. They received a phone call from John Martini in favor of the project, but he requested that the windows be designed to prohibit direct view onto his property. An additional letter was received from Fredericka White requesting the trimming of the Sapodilla tree.

The following members of the public spoke on the matter:

- Jaye Harkow, 2 Baptist Lane
- Julia Byrnes, 6 Baptist Lane

Mr. Craig clarified for members that staff reviewed the prior Planning Director's determination on the number of units and there was no basis to change the determination. He stated that there are six legal units on the site. Mr. Craig then stated that the HARC survey will most likely show this property to be a contributing structure. Mr. Craig clarified for members that the matter before them is the approval of a variance request driven by value.

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Mr. Symroski stated that the applicant withdrew their request for vacation of city property and let the city preserve ownership of the cul-de-sac.

Architect, Chris Liddle gave members an overview of the request and addressed parking and bicycle spaces.

Members reviewed the request with staff, applicant and members of the public who spoke on the matter. Members commended the applicant for applying for the variances versus doing improvements as phased projects. Members confirmed the reduction of the non-conformities. Members then stated that they understood concerns raised by the neighbors; however, they also see an improvement to the neighborhood.

**A motion to approve the variance request to include staff recommendations was made by Mr. Gilleran and seconded by Mr. Oropeza.**

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

**SO ORDERED.**

Mr. Craig thanked Mr. Symroski for his significant service to the community.

- 4 Development Agreement - 1000 Atlantic Boulevard, Higgs Beach Park (RE# 00058800-000000, 00058790-000100, 00058790-000000) - A Development Agreement with Monroe County for the redevelopment of Higgs Beach Park pursuant to Section 90-676 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Klitenick stated that Ms. Tennyson has a legal conflict of interest since she is an employee of the County and therefore has a standing recusal. Ms. Tennyson left the dias during the discussion.

Mr. Klitenick disclosed that both he and Mr. Holland are on the Board of Directors of The Friends of Higgs Beach. Mr. Erskine stated that there is no financial gain and therefore there is no need for recusal.

Ms. Malo gave members an overview of the development agreement. She informed members that the Major Development Plan for the Master Plan of Higgs Beach Park was approved on October 20, 2011 with a condition that an Interlocal Agreement be completed between the land owners, the County, and the City. Since January, City and County staff have worked together to craft the Development Agreement that will adjoin the Major Development Plan request at the City Commission for final approval. The primary purpose of the Development Agreement is to extend the timeframe for Development Plan implementation from 24 months to ten years. Since the Development Plan is for a public park that will be constructed as funding becomes available through grants, public funding and/or private donations, the Development Agreement is an appropriate method for allowing the County additional time to complete the project while providing the City a mechanism for controlling the phasing of it. Based on the analysis of the criteria for Development Agreements in the Comprehensive Plan and the LDR's, the Planning Department recommends the request for a Development Agreement be approved.

The applicant, Barbara Mitchell stated that there has been tremendous coordination between city and county staff. Assistant County Attorney, Nathaline Cassel was available for any questions.

The following member of the public spoke on the matter:

- Michael Bemke, 920 Johnson

Members reviewed the development agreement.

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**A motion to recommend to the City Commission the development agreement for the redevelopment of Higgs Beach Park was made by Mr. Oropeza and seconded by Vice-Chairman Root.**

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

**SO ORDERED.**

Ms. Tennyson returned to the dias. Vice-Chairman Root excused himself from the meeting.

- 5 Zoning in Progress – A resolution amending Planning Board Resolution 2012-04, and recommending approval of an ordinance of the City of Key West invoking the Zoning in Progress Doctrine; declaring that the City is considering amendments to its Land Development Regulations to adopt a Building Permit Allocation System; directing Building and Planning Department staff to continue the policy of deferring the acceptance and processing of development applications requiring the issuance of building permit allocations; continuing this policy until new building permit allocation regulations or amended Land Development Regulations are adopted by the City Commission; providing for retroactive effect, directing staff to continue preparations of new Building Permit Allocation Regulations; providing for an effective date.**

This item was postponed to time certain (April 14, 2012).

**Presentation**

- 6 Comprehensive Planning Report - Presentation of the data and analysis and policy direction for the Evaluation and Appraisal Report (EAR) amendments to the City of Key West Comprehensive Plan.**

Ms. Monnier informed members that the City is in the process of preparing amendments to the Comprehensive Plan based on the recommendation from the 2005 and 2007 Evaluation and Appraisal Reports (EAR). She stated that the consultant has prepared an updated data, inventory, and analysis report, and corresponding presentation. The report is intended to provide a framework for the forthcoming proposed amendments, and summary of recommended policy direction.

Joe Corradino with The Corradino Group, Inc. gave members a presentation of the data and analysis and policy direction for the Evaluation and Appraisal Report (EAR) amendments to the City of Key West Comprehensive Plan.

Members reviewed the report with staff and the consultants. Members voiced their concern for the need for affordable housing (rental housing vs. purchase housing) within the City. Members then requested that the consultants analyze the number of deed restricted affordable BPAS allocations that have lifted.

Mr. Craig informed members that the next step of the process will be to present the proposed Comprehensive Plan amendments to the Planning Board. The Planning Board will then make a recommendation to the City Commission, which if favorable, will then be considered at a transmittal hearing.

**PLANNER'S REPORT**

Mr. Craig reminded members of the two Planning Board meetings in April (19<sup>th</sup> and 23<sup>rd</sup>).

**ADJOURNMENT**

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

Motion was carried by unanimous voice vote.

**SO ORDERED.**

Meeting adjourned at 7:40 pm.

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