

Minutes of the Key West Planning Board
March 17, 2011 **DRAFT**

Chairman Richard Klitenick called the Key West Planning Board Meeting of March 17, 2011 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Chairman Richard Klitenick; Members: Michael Browning, Jim Gilleran, Gregory Oropeza, Sam Holland, Jr. and Lisa Tennyson.

Unexcused Absence: Vice-Chairman Tim Root

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Craig informed members that applicants for Mallory Square and 908 Trinity have requested postponement to the April 21, 2011 Planning Board meeting. Mr. Erskine stated that both items will be re-noticed since both have been postponed multiple times.

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

Motion carried by unanimous voice vote.

SO ORDERED.

APPROVAL OF MINUTES

1 February 17, 2011 – Meeting Minutes

Mr. Klitenick stated that on page three of five under 1415 Olivia Street, the disclosure should state: Mr. Klitenick disclosed that he handled the transaction where in an estate sold the subject property to the applicant's LLC.

A motion to approve the amended February 17, 2011 meeting minutes was made by Mr. Oropeza and seconded by Mr. Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

RESOLUTIONS

Old Business

2 Variances – Mallory Square (RE# 00072082-001100, 00072082-001400 and 00072082-003700) – For impervious surface ratio and side yard setback requirements in the HPS zoning district per Section 122-960(4)b. and Section 122-960(6)b., open space requirements per Section 108-346(b), and Coastal

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Construction Control Line requirements per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West.

This item has been postponed to the April 21, 2011 Planning Board meeting.

- 3 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, Florida.**

This item has been postponed to the April 21, 2011 Planning Board meeting.

New Business

- 4 Exception for Outdoor Merchandise Display – 129 Duval Street (RE# 00000520-000100) To allow the display of merchandise in the HRCC-1 zoning district per Section 106-52 of the Land Development regulations of the City of Key West.**

Mr. Cunningham gave members an overview of the exception for outdoor merchandise display request. He informed members that the Fury Surf Shack is a retail shop that features an array of merchandise including but not limited to beachwear and accessories, water-sport excursion packages, tickets for sunset sails and various souvenir gift items. The applicant is requesting that the Planning Board grant approval for the outdoor display of merchandise located on an existing porch. The display will consist primarily of clothing displayed on one dress mannequin or one clothing rack and one surf board. The applicant seeks the maximum time allowed for exceptions under the code which is 60 months. The Planning Department, based on criteria in the City Code, recommends the request for Exception to Outdoor Merchandise Display be approved as proposed with the following conditions:

1. The Exception for the Outdoor Merchandise Display is limited to the existing porch, and will not be placed in the City right-of-way;
2. The Exception for Outdoor Merchandise Display is limited to merchandise sold in the store;
3. The Exception for the Outdoor Merchandise Display will only be present during hours of operation;
4. The Exception for the Outdoor Merchandise Display is specific to the current tenants, Marius Venter and Letty Nowak, and granted for 60 months.

The applicant, Letty Nowak, gave members an overview of the request.

There were no public comments.

Members reviewed the exception for outdoor merchandise display. Mr. Cunningham clarified for members that the outdoor display is limited to merchandise sold in the store.

A motion to approve the Exception for Outdoor Merchandise Display request to include conditions recommended by the Planning Department was made by Mr. Holland and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

- 5 Conditional Use - 506 Southard Street (RE # 00012290-000000) - An application for Conditional Use approval for a wine bar located at 506 Southard Street, in the HRCC-1 zoning district per Section 122-688 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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Mr. Cunningham gave members an overview of the conditional use request. He informed members that the property is located on Southard Street at the entrance to Key Lime Square. The structure is a two story mixed use building originally constructed in 1900 as a single family home. The first floor is commercial space and the second floor is a non-transient residential apartment. Previous commercial uses have included deli take-out, art studio and gallery, retail sales and service, and a hair salon. The applicant has acquired 14 seats from a former bar neighboring building on the same property. All impact fees have previously been assessed and rendered to the City. As such, these are not to be considered “new” or “additional” seats that would require parking consideration.

Mr. Cunningham then stated that this request is for the conditional use of a 668 square foot commercial space located on the first floor and porch in an existing building. The applicant is proposing a wine bar and lounge with 286 square feet of indoor and 93 square feet of outdoor consumption area for a total of 379 square feet of consumption area. No amplified live music or outdoor entertainment is proposed and hours of operation are proposed between the hours of 10 am until 2 am Monday through Thursday; 10 am until 4am Friday and Saturday; and Sunday from 12 pm until 2 am. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for conditional use be approved with the following conditions:

1. Hours of operation are limited as follows: Monday through Thursday 10am to 2 am and Friday and Saturday from 10am to 4am and Sundays from 12pm to 2am.
2. The bar and lounge is approved for the sale of beer and wine only.
3. There will be no amplified live music or outdoor music on the premises.
4. There will be no additional seats allowed without further City approvals.

The applicant, Peter Batty, gave members an overview of the request.

There were no public comments.

Members reviewed the conditional use request.

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

Motion was carried by unanimous voice vote.

SO ORDERED.

6 Variance - 607-609 Ashe Street (RE# 00010270-000000) - For side-yard setback requirements in the HHDR zoning district per Section 122-630 (6) b. as required when the renovation or reconstruction exceeds 66% of the assessed or appraised value of the structure per Section 122-28 (b) of the Land Development Regulations of the City of Key West.

Mr. Cunningham gave members an overview of the variances request. He informed members that the property is located within the historic district and is legally nonconforming regarding side-yard setback requirements. The existing structures are in poor condition and the applicant intends to renovate the structures. To do so, per Section 122-28(b), the applicant is requesting a variance to existing side-yard 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:

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1. That the applicant install and actively maintain the proposed swale shown on the plans for stormwater management purposes.

Mr. Craig disclosed to members that he shares an office with Studios of Key West. Mr. Erskine stated that Mr. Craig disclosed this in abundance of caution even though he is not a Planning Board member and clarified that his disclosure does not pose a conflict.

The applicant, Jay Scott, gave members an overview of the business. Project architect Guillermo Orozco gave members an overview of the variance request.

There were no public comments.

Ms. Cowart informed members that 70 notices were sent to property owners located within 300 feet of the subject property; zero notices were undelivered and the Department received one comment in favor of the project.

Members reviewed the variance request.

A motion to approve the variances request to include the recommendation made by the Planning Department was made by Mr. Browning and seconded by Mr. Oropeza.

Motion was carried by unanimous voice vote.

SO ORDERED.

PLANNER'S REPORT

Mr. Craig gave members an overview on the following:

- Variance timeframes – Staff has been working with the Legal Department on timeframes for variances. There is no specific timeframes for variances in the Land Development Regulations. The LDR's only state that a reasonable timeframe be associated with each variance approval. Therefore, staff will craft a draft amendment and bring it back to the Planning Board for their review.
- BPAS - Members will soon receive a copy of the annual report for the Building Permit Allocation System.
- Transient Transfer Ordinance – The ordinance was passed by the City Commission on March 15, 2011.
- HARC Grant – The City received a \$50,000 matching grant to be used for updating the historic architectural survey. Some of the items the survey update will look at are significant buildings that are now at that 50 year threshold as well as expanding the current historic boundary.
- Impact Fees – Staff will be updating the impact fee schedule since it has not been updated since 1980.
- Alcohol Sales Exception Ordinance – This ordinance was passed, which allows the request to be heard by the Planning Board. Any appeal requests would then go to the City Commission.
- Comprehensive Plan RFP – The proposal date is April 1, 2011. Proposals will be heard by the City Commission in May.

Members inquired on the status of the Department of Community Affairs (DCA). Don informed members that the department has received rendering determinations in a timely manner and that it appears that the DCA may be folded into the Florida Department of Environmental Protection (DEP).

ADJOURNMENT

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

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Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 6:50 pm.

Submitted by,
Carlene Cowart
Development Review Administrator
Planning Department