

**Minutes of the Key West Planning Board Workshop
October 16, 2008**

APPROVED

Chairman Richard Klitenick called the Key West Planning Board Meeting of October 16, 2008 to order at 6:00 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ITEM 1. ROLL CALL

Present were: Chairman Richard Klitenick; Members, Jeffrey Allen, Barry Barroso, Edward Gartenmayer and James Gilleran.

Excused Absence(s): Timothy Root and Terry Garcia

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; John Woodson, Building Official; Alan Avarette, Lt. Fire Inspector; Enid Torregrosa, HARC Planner; Senior Planner, Brendon Cunningham; Planner II, Ashley Monnier; Planner I, Nicole Malo and Administrative Coordinator, Carlene Cowart.

The new HARC Planner, Enid Torregrosa, introduced herself to the Planning Board.

ITEM 2. APPROVAL OF AGENDA

A motion to postpone Item 4a1 to the November 20, 2008 Planning Board Meeting, delete Item 4b2 and withdraw Item 4b6 was made by Mr. Barroso and seconded by Mr. Gartenmayer.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 3. APPROVAL OF MINUTES

a. Special Planning Board Meeting Minutes – October 9, 2008

Mr. Klitenick requested a spelling correction on Mr. Toppino's name under Item 5b.

A motion to approve the October 9, 2008 Special Planning Board Meeting Minutes as AMENDED was made by Mr. Gilleran and seconded by Mr. Barroso.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 4. ITEMS FOR PUBLIC HEARING

a. OLD BUSINESS

- 1. 5701 College Rd - Approval of a Major Development Plan pursuant to Section 108-196 of the Land Development Regulations under the Code of Ordinances of the City of Key West, Florida (RE# 00072080-000500)**

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This item has been postponed to the next Planning Board Meeting on November 20, 2008.

2. **612 Olivia Street - Variances to Section 122- 630 required side and rear yard setbacks for an existing non-conforming structure in the HHDR, Historic High Density Residential District, under the Code of Ordinances of the City of Key West, Florida (re# 00017370- 000000)**

Mr. Klitenick disclosed that he was the closing agent in this transaction when the applicant purchased the subject property; however, he does not have a conflict of interest, as he has never represented the applicant, he represented the seller in the transaction. Accordingly, this does not prejudice his decision –making capacity.

Mrs. Kimball-Murley gave an overview of the variance application and based on the criteria established by the Land Development Regulations in Section 122-27, the Planning Department recommended denial of this request. Mrs. Kimball-Murley also stated that eighty-seven notices were sent to the property owners within a 300’ radius. One letter was returned as non-deliverable. No comments received. Mrs. Kimball-Murley then read a comment into the record from P F McDonnell, President of the McOlson Corporation, 601 Truman Avenue.

The applicant, Bruce Kjos, reviewed his request for the variance with Planning Board Members. Mr. Kjos stated that the owner inherited this property with the current mold issues.

Committee members reviewed and discussed the site plan with the applicant and staff. The applicant, Mr. Kjos, clarified that there are no outstanding code violations with this property.

A motion to approve the variance application due to inherited hardship was made by Mr. Allen and seconded by Mr. Barroso.

Motion carried by 4-1 vote (opposed by Mr. Gilleran).

b. NEW BUSINESS

1. **922 Catherine Street – Variances from the provisions of Section 122- 600(4)a & (6)c of the City of Key West Land Development Regulations for required maximum building coverage and a rear yard setback for an existing non-conforming structure on property located at 922 Catherine Street (RE# 00032080- 000000)**

Mrs. Kimball-Murley gave an overview of the variance application and based on the criteria established by the Land Development Regulations in Section 122-27, the Planning Department recommended denial of this request. Mrs. Kimball-Murley also

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stated that 101 notices were sent to the property owners within a 300' radius. Two letters were returned as non-deliverable. No comments received.

The applicant, Oliver Landis, reviewed his request for the variance with Planning Board Members. He stated that the hardship was created by the removal of the tree.

Committee members reviewed and discussed the site plan with the applicant and staff. The applicant, Mr. Landis, clarified that he did not remove the tree on the property.

A motion to approve the variance application recognizing the hardship was made by Mr. Barroso and seconded by Mr. Allen.

Motion carried by unanimous roll call voice vote.

- 2. 1004 Duval Street – Variance from the provisions of Section 18-28 of the City of Key West Land Code of Ordinances regulating the sale of alcoholic beverages within 300 feet of churches, schools, cemeteries and funeral homes. The Key Lodge Motel property is located at 1004 Duval Street (RE#00027200-000000)**

This item has been deleted from the agenda.

- 3. 614 Grinnell Street – Variance extension request for detached habitable space in the Historic High Density Residential (HHDR) Zoning District, under the Code of Ordinances of the City of Key West, Florida (RE# 00011130-000000)**

Mrs. Kimball-Murley gave an overview of the variance extension and based on the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended approval of this request. Mrs. Kimball-Murley also stated that 106 notices were sent to the property owners within a 300' radius. No letters were returned as non-deliverable. No comments received.

The applicants, Mr. Francis Kirwin and Mrs. Peggy Kirwin, were not present.

The Members would like to hear from the applicants since this would be their third extension.

A motion to postpone the variance application to November 20, 2008 was made by Mr. Barroso and seconded by Mr. Gartenmayer.

Motion carried by unanimous roll call voice vote.

- 4. 1106 Windsor Lane – Variances from the provisions of Section 122-1181 of the City of Key West Land Development Regulations for required After-the-Fact Variances to allow an accessory structure in required front yard for property located at 1106 Windsor Lane (RE# 00030050-000000)**

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Mrs. Kimball-Murley gave an overview of the after-the-fact variance application and based on the Land Development Regulations in section 122-27, the Planning Department recommended approval of this request. However, if approved, the Planning Department recommends the variance should include the HARC condition of heavy landscaping around the generator, particularly on the street side. Mrs. Kimball-Murley also stated that sixty-seven notices were sent to the property owners within a 300' radius. One letter was returned as non-deliverable. No comments received. Mrs. Kimball-Murley also stated that the Commission granted the fee waiver for the after-the-fact variance.

The applicant, Ginny Stones with Stones and Cardenas, reviewed the request for the after-the-fact variance with Planning Board Members. She stated that the hardship was created by contractor error and that the MARC House is a small non-profit organization. Mrs. Stones stated that the MARC House has reached an agreement with the contractor in regards to expenses.

Committee members reviewed and discussed the site plan with the applicant and staff. The Fire Inspector is requesting that bollard protection be placed in front of the propane tanks.

A motion to approve the variance application recognizing the hardship was made by Mr. Gartenmayer and seconded by Mr. Barroso.

Motion carried by unanimous roll call voice vote.

5. 1006 Von Phister Street – Variance to Section 108-572 of the Land Development Regulations regarding the substitution of bicycle spaces for parking spaces, for property in the Single-Family Residential (SF) Zoning District, under the Code of Ordinances of the City of Key West, Florida (RE# 00038890-000000)

Mr. Erskine per request of the Chairman, clarified that the LDR states that in cases like this with bicycle substitution, that presence of a hardship is not one of the criteria that need to be established. But the Members do need to look at whether or not the spaces are being substituted as required and that all other conditions are being met.

Mrs. Kimball-Murley gave an overview of the variance application and based on the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended approval of this request with an added condition that bicycle racks in the side yard be relocated to address fire safety access concerns. Mrs. Kimball-Murley also stated that forty-seven notices were sent to the property owners within a 300' radius. No letters were returned as non-deliverable. No comments received.

The applicant, Ginny Stones with Stones and Cardenas, reviewed the request for the variance with Planning Board Members. She clarified that this will remain a four-plex apartment facility. Four legal parking spaces will be on site. After speaking with

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Alan Avarette, Lt. Fire Inspector, she is in agreement to relocate six of the ten bicycle racks to the back of the property.

Committee members reviewed and discussed the site plan with the applicant and staff.

A motion to approve the variance application was made by Mr. Gilleran and seconded by Mr. Gartenmayer.

Motion carried by unanimous roll call voice vote.

- 6. 506-510 South Street – Variance from the provisions of Section 122- 900(4)b of the City Land Development Regulations for required impervious surface ratio for an approved Major Development Plan and Conditional Use on property located at 506-510 South Street (RE# 00036290-000000, and 00036310-000000 and 00036280-000000)**

This item has been withdrawn.

- 7. 1114 Duval Street – Conditional use approval for a piano bar and lounge in the Historic Residential Commercial Core (HRCC-3) Zoning District, pursuant to Section 122-748 of the Land Development Regulations under the Code of Ordinances of the City of Key West, Florida (RE# 00027910-000000)**

Mr. Klitenick stated that he received a call from Mr. Robert Marrero withdrawing his comment regarding this application.

Mrs. Kimball-Murley gave an overview of the conditional use application and based on the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended approval of this request with conditions. Mrs. Kimball-Murley noted, however; that given neighborhood concerns, additional conditions addressing noise impacts may be appropriate. She then stated that the consumption area could allow one hundred six seats; however, the Planning Board could limit this at their request. Mrs. Kimball-Murley also stated that one hundred sixty-seven notices were sent to the property owners within a 300' radius. Two letters were returned as non-deliverable. Six comments received. Mrs. Kimball-Murley then read comments into the record from the following members of the public: Ms. Hilda Bello, 509 Louisa; Mr. Dominick Brucooleri, 1102 East Duval; Dr. Loui Franke, 1108 Duval; Mr. Mark Certonio and Mr. Steven Tepper, 409 Amelia; Mr. and Mrs. Larry Kleinman, 515 Louisa Unit B.

The applicant, Wayne LaRue Smith with Smith Law Firm, reviewed the request for the conditional use with Planning Board Members. Mr. Matt Berman, a sound consultant, provided an analysis of ambient noise in the area.

The following members of the public spoke on the matter:

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Barbara Kellner, 503 Amelia
Elba and Randy Canalego-Clayton, 510 Amelia
John Givliano, 1123 Elgin
Dan McConnell, 1107 Duval
Michael Popovice, 327 Virginia
Patricia West, 1114 Duval

Committee members reviewed and discussed the site plan with the applicant and staff. They reviewed conditions with the applicant especially pertaining to noise control; however, due to the long term impact this decision would have on the neighborhood as well as the public concerns regarding the conditional use, members urged the applicant to reach out to the public.

A motion to table the application to time certain was made by Mr. Gartenmayer and seconded by Mr. Barroso.

Motion carried by unanimous roll call voice vote.

- 8. 512 Greene Street – A Minor Development Plan and Conditional Use Application to reconfigure a previously-existing parking area by constructing an office/rental structure and resurfaced storage for a new electric car (40) and scooter (50) rental business for property located at 512 Greene Street (RE# 00001170-000000)**

Mrs. Kimball-Murley gave an overview of the minor development plan and conditional use application and based on the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended approval of this request with the following conditions: (1) That business hours remain between the hours of 9am – 7pm; (2) That a commercial presence is maintained on Greene Street for rentals associated with the storage lot; and (3) HARC approval for the rental booth is required. Mrs. Kimball-Murley also stated that forty-five notices were sent to the property owners within a 300' radius. No letters were returned as non-deliverable. No comments received.

The applicant, Norman Wood, reviewed the request for the conditional use with Planning Board Members.

Committee members reviewed and discussed the site plan with the applicant and staff.

Mr. Gilleran requested a traffic study to assess project impacts.

Mr. Jeff Berman, Code Officer, made a request per Gary Addleman, Code Supervisor, that this item be postponed until further review could be conducted. Mr. Klitenick expressed his concern that such an objection from a City Department was made at the hearing with no prior notice to Planning Staff or even Mr. Woodson, the Department Head who was in attendance at the meeting.

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The following member of the public spoke on the matter:

Robert Kelly, 223 Ann Street

A motion to table the application to November 20, 2008 with direction to the applicant to prepare a traffic study per staff requirements was made by Mr. Allen and seconded by Mr. Barroso.

Motion carried by unanimous roll call voice vote.

ITEM 5. PLANNER'S REPORT

None

ITEM 6. ADJOURNMENT

A motion to adjourn was made by Mr. Gartenmayer and seconded by Mr. Barroso.

Motion was carried by unanimous voice vote.

SO ORDERED.

Submitted by,

**Carlene Cowart
Administrative Coordinator
Planning Department**