

**Minutes of the Key West Planning Board Workshop
November 20, 2008**

APPROVED

Chairman Richard Klitenick called the Key West Planning Board Meeting of November 20, 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, Edward Gartenmayer, James Gilleran and Terry Garcia.

Excused Absence(s): Jeff Allen, Tim Root and Barry Barroso

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Senior Planner, Brendon Cunningham; Planner I, Nicole Malo and Administrative Coordinator, Carlene Cowart.

ITEM 2. APPROVAL OF AGENDA

A motion to withdraw Item 4a3 and postpone Item 4a4 until the December 18, 2008 Planning Board meeting was made by Mr. Gilleran and seconded by Mr. Garcia.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 3. APPROVAL OF MINUTES

a. Planning Board Meeting Minutes – October 16, 2008

Mr. Klitenick requested that Mr. Garcia's absence be listed as excused under Item 1.

A motion to approve the October 16, 2008 Planning Board Meeting Minutes as AMENDED was made by Mr. Garcia and seconded by Mr. Gartenmayer.

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)**

Mrs. Kimball-Murley gave an overview of the major development plan application and recommended that the Planning Board forward a recommendation of conditional

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approval to the City Commission. The condition would be to obtain an Environmental Resource Permit for storm-water treatment for the portion of the property north of College Road, as required by the South Florida Water Management District, prior to Building Permit approval.

The applicant, Director of Transportation, Ms. Myra Wittenberg, and her consultants, Mr. Oscar Bello and Mr. Ben Chen were present.

Committee members reviewed and discussed the site plan with the applicant and staff. Mr. Klitenick asked counsel for clarification if the cost estimate was sufficient for consideration under the build-back criteria. Mr. Erskine clarified that the numbers appeared adequate.

Mr. Gilleran asked for clarification if the application for the environmental resource permit for stormwater management had been submitted. Ms. Wittenberg stated that the application has not been submitted since they were waiting on the outcome of the Planning Board. Mr. Bello stated that the environmental concerns have been addressed. Mrs. Kimball-Murley then clarified that the condition drafted would require that they obtain the environmental resource permit prior to the building permit.

A motion to conditionally approve the major development plan application contingent on the receipt of the ERP prior to the Building Permit was made by Mr. Gilleran and seconded by Mr. Gartenmayer.

Motion carried by unanimous roll call voice vote.

2. 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 due to this being the applicant's third extension, recommended cautious approval.

The applicant, Mr. Francis Kirwin was present.

Committee members reviewed and discussed the site plan with the applicant and staff. The applicant, Mr. Kirwin stated that there are no changes to the variance. He will proceed with the project when he is financially able.

Mr. Gilleran asked for clarification on staff time and cost when handling extensions. Mrs. Kimball-Murley stated that the Planning Department recovers cost through the \$400 extension request fee.

A motion to approve the variance extension request was made by Mr. Gartenmayer and seconded by Mr. Garcia.

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Motion carried by unanimous roll call voice vote.

3. **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)**

Applicant withdrew the Minor Development Plan and Conditional Use Application.

4. **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)**

This item has been postponed at the request of the applicant to the Planning Board Meeting on December 18, 2008.

b. NEW BUSINESS

1. **301 Duval – A Conditional Use Application to add one electric car storage space and to reconfigure a previously-existing bicycle rental business and storage area to add a new scooter (18) rental business (RE# 00004290-000000)**

Mrs. Kimball-Murley read into the record a letter received from the Curry House. She then gave an overview of the conditional use application and recommended approval of this conditional use application as it complies with the Comprehensive Plan and Land Development Regulations with the following conditions:

- That scooter and bicycle rental business hours remain from 9am-6pm.
- Only one electric car can be stored on the site, and that vehicle shall not be rented. That vehicle must remain the same and not be rotated with other vehicles. License and VIN must be submitted to Licensing and Code Compliance Departments.
- A courtesy van will be used to pick up referral clients. An electric car vehicle cannot be used to pick up clients on site, per Section 78-2 of the Code of Ordinances.
- This Conditional Use Approval does not constitute an approval for the electric car to be used as a sign or advertisement. Such use must comply with the Code of Ordinances.

Mrs. Kimball-Murley also stated that the conditions were drafted with the assistance of Code Compliance.

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

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Mr. Klitenick asked for clarification if the application is intended to resolve any outstanding issues. Mr. Pfahl stated that yes, this would solve outstanding issues. Mrs. Kimball-Murley added that staff checked with Susan Dowling and that conditions addressed her concerns.

Mr. Klitenick then asked the applicant the rationale behind the hours. Mr. Pfahl stated that they do not rent in the dark and that during this time of year, they would be closing around 5pm. Mr. Pfahl also clarified that offsite repairs would be done at their N. Roosevelt location and that there are no plans to have more electric cars in the future.

Mr. Gilleran asked staff if there is a follow-up mechanism in place. He suggested that the cost should be on the applicant and not the tax payer, and possibly attaching a special condition and an annual review requirement to the business license.

Mrs. Kimball-Murley stated that these were good ideas and that she would meet with Carolyn Walker and Mr. Erskine to discuss these issues and report back to the board at the December 18, 2008 Planning Board meeting.

The following members of the public spoke on the matter:

Jim Evans, 1114 Whitehead
Steve Olson, Moped Hospital, 601 Truman Ave,
Robert Kelly, 223 Ann Street
Mark Miclette, Sunshine Rental

Mr. Klitenick asked counsel for clarification on whether or not the application meets code. Mr. Erskine stated that yes that is what staff looks at when preparing their recommendation. He added that some of the complaints are enforcement driven and that should not affect the Board's decision making.

Mr. Klitenick asked counsel for clarification on the conversion factor. Mr. Erskine stated that if an applicant wanted to change a substitution, they would need to come back before the Planning Board.

Mrs. Kimball-Murley clarified that training would be done on site.

Motions to approve the conditional use application with the conditions listed by the Planning Department as well as an additional condition that the applicant will not exchange electric car and moped usage on the site was made by Mr. Garcia and seconded by Mr. Gilleran.

Motion carried by 3-1 vote (opposed by Mr. Gartenmayer).

ITEM 5. PLANNER'S REPORT

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Mrs. Kimball-Murley stated that she will be introducing the latest addition to the Planning team at the December 4, 2008 meeting.

Mr. Gilleran asked that the Board further discuss annual review of conditional use applications and expiration clauses if the applicant is not compliant with conditions. A discussion item will be placed on the December 18, 2008 agenda on this topic.

ITEM 6. ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Submitted by,

**Carlene Cowart
Administrative Coordinator
Planning Department**