

**Minutes of the Key West Planning Board
December 4, 2008** **APPROVED**

Chairman Richard Klitenick called the Key West Planning Board Meeting of December 4, 2008 to order at 6:05 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ITEM 1. ROLL CALL

Present were: Chairman Richard Klitenick; Members, Jeff Allen, Tim Root, Barry Barroso James Gilleran, Terry Garcia and ex-officio member, Ron Demes.

Excused Absence(s): Edward Gartenmayer

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; John Woodson, Building Official; Peter Malott, Fire Inspector; and Key West Planning Department staff Rodney Corriveau, Brendon Cunningham, Ashley Monnier, Nicole Malo and Carlene Cowart.

ITEM 2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Mr. Gilleran and seconded by Mr. Barroso.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 3. APPROVAL OF MINUTES

a. Planning Board Meeting Minutes – November 20, 2008

Mr. Klitenick requested a spelling correction on Mr. Pfahl's name under Item 4b1.

A motion to approve the November 20, 2008 Planning Board Meeting Minutes as AMENDED was made by Mr. Garcia and seconded by Mr. Barroso.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 4. ITEMS FOR PUBLIC HEARING

a. OLD BUSINESS

b. NEW BUSINESS

- 1. 720 Passover Lane – Variances to the City Land Development Regulations of Section 122-630 for front, side and rear-yard setbacks, building coverage and impervious surface ratios (RE# 00018680-000000)**

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Mrs. Kimball-Murley gave an overview of the after-the-fact variance application. She then read into the record comments from the following:

Robert S. Gold, 7 Passover Lane
Bill Mayfield, 714 Passover Lane
Carl Bruno, 630 Margaret Street

Based on the criteria established by the City Code, the Planning Department recommended the variance request be denied.

The applicant, Dan Strosnider with Trepanier and Associates, clarified for Mr. Root that they received HARC approval on July 1, 2008. Mr. Strosnider then reviewed the history of the project with the members.

Board members reviewed and discussed the site plan with the applicant and staff. Mr. Klitenick asked for clarification on whether granting the variance would bring this project in full compliance with Building and Code. Mrs. Kimball-Murley indicated that the variance would enable the applicant to request a Building Permit to resolve outstanding Code Compliance issues.

Mr. Barroso asked for clarification on whether the application was submitted due to a code complaint and had there been a building inspection on the property. Mrs. Kimball-Murley stated that the Planning Department was unaware of code violations when the application was initially submitted; however, she was later notified that there is a pending Code case with this property. In addition, Mrs. Kimball-Murley stated that a site visit to assess issues pertaining to the variance was conducted with Building Official John Cruz, but no building inspections were conducted at that time. Mr. Woodson stated that prior to building permit issuance an engineer must certify that the structure is safe and it meets Building Code requirements since the structure is already in place. Mr. Strosnider stated that a structural engineering assessment was attached to the building permit. Mr. Erskine clarified that if the variance is approved, the building permit would still have to be approved in order to solve the Code compliance case. In addition, the building permit cannot move forward until the variance has been approved.

Motions to approve the variance application was made by Mr. Allen and seconded by Mr. Barroso.

Motion carried by 4-2 vote (opposed by Mr. Gilleran and Mr. Root).

2. **Southard Street R/W – A Variance to the City Land Development Regulations of Section 122-1183(d)(1)c. for maximum fence height on property located in the Truman Annex on Southard Street between Thomas Street and the Truman Waterfront (RE# 00010120-000500)**

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Mr. Klitenick advised the members that their duty is to review the variance request and whether the testimony heard supports the request.

Mrs. Kimball-Murley gave an overview of the variance application. She stated that 399 notices were sent out, thirty of which were returned and five comments received. She then read into the record comments from the following:

Aloys C. Metty, 212 Southard
Douglas G. Walker, 422 Fleming
Carl J. Weber, 620 Thomas
Keith and Donna Golan, 1500 Atlantic Blvd
Peter Malott, Fire Inspector

Based on the criteria established by the City Code, the Planning Department recommends the request for a height variance for the gates and associated structures be denied and that the variance for the rear yard fence be approved.

The applicant's representative, Mr. Bill Anderson, gave the members an overview of the proposed variances. He stated that the property is within the HPRD Zone which is a Commercial Zone; therefore, a variance may not be required for the height of the gates. Mr. Erskine clarified that the City and TAMPOA had an arbitration order which clearly required TAMPOA to seek variance approval. Mr. Anderson then requested that comments from Mr. Demes' be removed from the record since he is involved in the ongoing negotiations with the Navy and TAMPOA. Mr. Erskine clarified that since Mr. Demes would not profit individually from the decision he did not have a conflict. Mr. Erskine further clarified that Mr. Demes serves as an ex-officio member, and he has the right to speak, but cannot vote on any motions.

The following members of the public spoke on the matter:

John Jones, 1024 James Street
Randy Becker, 818 Thomas Street
Michael Browning, 1201 Olivia
Robert Kelly, 223 Ann Street
Jerry Curtis, 724 Thomas Street
Susan Rodham, 726 Passover Lane

Discussion was then brought back to the board. Mr. Gilleran expressed his concerns and read an excerpt from the comments submitted by Naval Air Station Key West in regards to security issues and how it may put military personnel and operations at risk. Mr. Gilleran stated that after reviewing all of the information given and heard during the meeting, the applicant does not meet the standards for a hardship. The fact that it could place the military personnel at risk is a very big concern. Mr. Gilleran then thanked everyone who participated in the discussion.

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Mr. Demes clarified that the reason he was present was that per Florida Statutes, an establishment of an ex-officio non-voting member on Planning Boards and Commissions in the planning process of municipalities was established. Also Naval Station Key West will represent all activities in particular County of Monroe. Purpose is to protect the economic and mission vitality of those military missions and installations within the municipalities in the State of Florida. Mr. Demes' biggest concern is the encroachment in anything that would work to reduce mission capability and vitality of that military mission and installation. He then read portions of his previously prepared comments into the record.

Mr. Klitenick stated that the issue is the standards and looking at a hardship. He understands the reasoning provided by TAMPOA; however, he cannot justify how not granting this variance would deprive TAMPOA reasonable use of the property.

A motion to deny the variance application with the recommendations listed by the Planning Department was made by Mr. Garcia. Mr. Gilleran asked Mr. Garcia for a friendly amendment to separate the variance request into two motions. Mr. Garcia accepted the amendment.

Motion to deny the variance application for maximum gate and fence height was made by Mr. Garcia per the Planning Department staff report and seconded by Mr. Gilleran.

Motion carried by unanimous voice vote.

Motion to approve the variance application for the rear yard fence was made by Mr. Garcia and seconded by Mr. Root.

Motion carried by 5-1 vote (opposed by Mr. Barroso).

ITEM 5. PLANNER'S REPORT

Mrs. Kimball-Murley introduced the latest addition to the Planning team, Rodney Corriveau, Senior Planner III.

Mrs. Kimball-Murley also informed members of ordinances coming forward such as the revision of Building Permit Allocations Ordinance which will be heard by the Board on December 18th. Also the Planning Department has begun to modify the transient transfer ordinance in order to bring some clarity to that ordinance.

ITEM 6. ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

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Submitted by,

**Carlene Cowart
Administrative Coordinator
Planning Department**