

**Key West Planning Board Meeting Agenda**  
**April 29, 2010 – 6:00 p.m.**  
**City Commission Chamber**  
**Old City Hall, 510 Greene Street**



**Item 3.a.**

**Planning Board Meeting Minutes – April 15, 2010**

# Minutes of the Key West Planning Board

## April 15, 2010

**DRAFT**

Chairman Richard Klitenick called the Key West Planning Board Meeting of April 15, 2010 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, Michael Browning, Ed Gartenmayer, Jim Gilleran and Gregory Oropeza.

**Excused absence:** Tim Root and Sam Holland, Jr.

**Also in attendance were:** Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Alan Averette and Marcus Delvalle, KW Fire Department; Gary Bowman, General Services Director; Scott Anderson, Code Compliance; and Planning Department staff, Ashley Monnier, Nicole Malo, Carlene Cowart and Patrick Wright.

### ITEM 2. APPROVAL OF AGENDA

Mrs. Kimball-Murley informed members that the applicant for Item 4a1 has requested that the item be tabled to the April 29, 2010 Special Meeting. She then stated that Item 4a6 has been withdrawn by the applicant.

**A motion to approve the amended agenda was made by Mr. Oropeza and seconded by Mr Browning.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

### ITEM 3. APPROVAL OF MINUTES

#### a. March 11, 2010

**A motion to approve the March 11, 2010 Special Planning Board Meeting minutes was made by Mr. Gilleran and seconded by Mr. Gartenmayer.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

#### b. March 18, 2010

Mr. Klitenick clarified that under Item 4a3, it should state that he represented Mr. Schultz on an unrelated matter.

**A motion to approve the AMENDED March 18, 2010 Planning Board Meeting minutes was made by Mr. Gilleran and seconded by Mr. Gartenmayer.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

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**ITEM 4. ITEMS FOR PUBLIC HEARING**

**a. NEW BUSINESS**

- 1. Exception for Outdoor Display - 901 Caroline Street (RE# 00072082-004504) – An application for Exception for Outdoor Merchandise Display, to allow the display of merchandise sold in-store in the HRCC-2 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

This item has been tabled to time certain.

- 2. Variance – 515 Margaret Street (RE#00007960-000200) – A variance request for reconstruction of a non-conforming structure which exceed 66% of the value of the structure including variances to building coverage, front yard, left side yard, and rear yard setbacks in the Historic High Density Residential zoning district per Section 122-28(b), and Sections 122-630(4)a and (6)a, b, and c of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Klitenick asked that staff give an overview of both variance requests since they pertain to the same project.

Mrs. Kimball-Murley informed members that no public comments were received on this project.

Ms. Malo gave members an overview of the variance request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

Mr. Browning asked if there would be a unity of title for the properties involved since the plans show that the two separate properties will share a common area. Mr. Delaune, stated that the owners of these two properties own a number of other properties in the surrounding areabut that a unity of title was not purposed.

Mr. Klitenick expressed his concern that sharing a deck appeared to create a compound and a condition should be created to establish a unity of title to keep from increasing a non-conforming situation.

Mr. Erskine clarified for Mr. Browning that the owner of the property can convey each of the sites separately and that a unity of title was not required for the proposed variance requests.

The applicant's representative, Rob Delaune, gave members an overview of the request.

Mr. Delaune clarified for Mr. Browning that the three licensed units will remain on site.

There were no public comments.

**A motion to approve the variance request was made by Mr. Browning seconded by Mr. Gartenmayer.**

**Motion carried by unanimous voice vote.**

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**SO ORDERED.**

- 3. Variance - 517 Margaret Street (RE# 00007960-000000) – A variance request for reconstruction of a non-conforming structure which exceeds 66% of the value of the structure including variances to front yard, right side yard, and rear yard setbacks in the Historic High Density Residential zoning district per Section 122-28(b), and Sections 122-630(6)a, b, and c of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Staff and the applicant had no additional information to present to the members.

**A motion to approve the variance request was made by Mr. Gartenmayer seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

- 4. Variances – 1509 South Street (RE# 00043350-000000) – A variance request for building coverage and impervious surface ratio in the Single Family zoning district per Sections 122-238 (4)(a), and 122-238 (4)(b)(1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley informed members that eight comments were received in favor of the application. Mr. Browning recommended that comments not be read out loud but just be appended to the record. Mr. Erskine clarified for members that public comments automatically become part of the record and that there is no requirement in the code stating that comments need to be read out loud.

Mrs. Monnier informed members that the original variance application submitted to the Planning Department differs from the application presented at the meeting. They originally requested detached habitable space, but in response to public safety concerns and neighborhood concerns that were raised at the DRC meeting, the applicants modified the application and are no longer requesting detached habitable space. Mrs. Monnier then gave members an overview of the variances request. She informed members that the applicant submitted a petition with additional signatures at the start of the meeting. There appears to be 58 signatures in favor of the variance request. The petition was handed out to members for their review.

Mrs. Kimball-Murley informed members that based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be denied. However, if approved, staff strongly recommends the following condition:

- That no second unit is authorized on site, and that the Planning Department recognizes one unit as being legally allowed on the property as a whole.

Mrs. Kimball-Murley clarified for members that access is gained through the utility room.

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The applicant's representative, Gabrielle Karp, gave members an overview of the variances request.

The following members of the public spoke on the matter:

- Dominique Barrera, 1505 and 1507 South Street
- Maria Hightower, 1507 South Street
- Dan Metzler, 1511 South Street for 1504 South Street
- Antonio Osborne, Sr., 1511 South Street

Mr. Antonio Osborne, Jr., project architect, explained the entrance to members.

Mr. Klitenick informed the applicant that in order to qualify for a variance you would need to have reasonable use of this property for which is zoned. He recognized that the applicant has worked closely with neighbors. He then asked the applicant if they are in agreement with the conditions requested by Mr. Metzler.

The applicant stated that they do not agree with all of the conditions requested by Mr. Metzler. He added that he does not have an issue with Bahama style shutters; however, he would like to be able to view his pool and is unsure if that can be done if the shutters are installed at a maximum of 30 degrees as requested by Mr. Metzler. He also stated that two of the palms Mr. Metzler would like to have installed would require removal of a heavily landscaped area and would most likely need landscape approval. He then stated that the Metzler's utilities are located within that landscaped area.

Mr. Browning asked Mr. Erskine if the additional conditions were added, what would happen if the applicants did not maintain the five foot Areca's as requested by the Metzler's. Mr. Erskine stated that a code violation could be issued and neighbors could seek circuit court action.

Mr. Klitenick requested that this item be tabled and that the applicant continue working with the neighbors to resolve the outstanding issues.

**A motion to table the item until the next regularly scheduled meeting was made by Mr. Gartenmayer and seconded by Mr. Gilleran.**

Mr. Oropeza discussed with members that the issues are typical when you live in Key West and although he respects Mr. Metzler's concerns, he would like the project to go through this evening.

**Mr. Gartenmayer withdrew his motion.**

**A motion to approve the variances request to include Planning staff recommendation was made by Mr. Gartenmayer seconded by Mr. Browning.**

**Motion carried 3-2 voice vote; opposed by Mr. Gilleran and Mr. Klitenick.**

**SO ORDERED.**

5. **Major Development Plan and Conditional Use – 5555 College Road (RE# 00072080-001400) – A Major Development Plan and Conditional Use Application within the commercial general (CG) zoning designation for the installation of stacked boat racks at**

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**Sunset Marina per Section 108-31 and Section 122-61 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley informed members that copies of the settlement agreement have been made available to members for review. She then informed members that just recently it came to staff attention that the actual number of slips that are on the site today exceed the number that was approved in the amended settlement agreement. The amended settlement agreement allowed 182 slips; the current slips on site are 220.

The applicant's representative, Joanne Alexander, clarified for members that the doc slip information was given to Rodney Corriveau.

She then gave members an overview of the major development plan and conditional use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for Major Development Plan and Conditional Use be approved with the following condition:

- The Amended Settlement Agreement for the property must be modified to incorporate the proposed changes to the development program, as well as past changes not fully incorporated into the program and be approved by the City Commission and Department of Community Affairs.

The applicant's representative, Joanne Alexander, gave members an overview of the major development plan and conditional use request. She stressed that it was never their intention to keep silent on the additional slips since this information was passed to staff.

Mrs. Kimball-Murley clarified for Mr. Gilleran that all but one of the slips was licensed by the City.

Mr. Klitenick asked staff what other issues were a concern. Mrs. Kimball-Murley stated that they did not see any significant concerns with the application. Primarily it was a matter of getting plans and issues having to do with prior approvals resolved. These set of plans will help resolve a few loose ends in those settlement agreements, including the issue of slips.

Mr. Gartenmayer disclosed that he used to be an owner of the Sunset Marina, and that he no longer has any dealings with the Marina and has no conflict. Mr. Erskine verified with Mr. Gartenmayer that he holds no note or would have any financial gain.

Mr. Browning asked Mr. Erskine for clarification if whether the members need to review if the applicant meets the criteria for the major development plan and conditional use without having to look at the legal settlement. Mr. Erskine stated that the legal settlement portion is something the City Commissioners would need to work out with the state.

**A motion to approve the major development plan and conditional use request was made by Mr. Browning seconded by Mr. Oropeza, friendly amendment to include Planning staff recommendation.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

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- 6. Transient License Transfer - 515 Amelia Street (RE# 000027750-000000) – A modification to a condition requiring removal of an exterior access door in an approved Transient Business Tax Receipt Transfer (Planning Board Resolution 2009-047).**

This item was withdrawn by the applicant.

**ITEM 5. PLANNER’S REPORT**

Prior to the Planner’s report, Mr. Klitenick asked that Mr. Erskine research the following:

- Election of officers
- Mr. Holland and Mr. Klitenick’s involvement in the non-profit organization, Friends of Higgs Beach

Mrs. Kimball-Murley informed members that there will be a workshop on Tuesday, April 20, 2010, to discuss the transient unit ordinance. She then informed members that the City Commission agreed with Planning Board recommendations to increase the extension timeframe to a year.

The Planning Department has been working with Mr. Finigan and Mr. Bowman on the RFQ for the Carrying Capacity Traffic Study and the bid opening will be held on Friday.

The City Commission approved a contract with a consultant for a street improvement project for Duval Street and Truman Waterfront. The focus is to improve the connectivity.

Members then discussed the status of the enforcement ordinance and were in agreement to agenda the item for discussion at the next regularly scheduled meeting.

**ITEM 6. ADJOURNMENT**

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:40 pm.

**Submitted by,  
Carlene Cowart  
Development Review Administrator  
Planning Department**