

# Minutes of the Key West Planning Board

January 25, 2011

Approved February 17, 2011

Chairman Richard Klitenick called the Key West Planning Board Special Meeting of January 25, 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, Jim Gilleran, Gregory Oropeza, Michael Browning and Lisa Tennyson.

**Excused Absence:** Vice-Chairman, Tim Root; Sam Holland, Jr.

**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, Nicole Malo and Patrick Wright.

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

Mr. Craig informed members that Item 3, After-the Fact Variances request for 908 Trinity Drive has been postponed to the February 17, 2011 meeting.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

## RESOLUTIONS

- 1 Change in Nonconforming Use – 326 Southard Street Unit 1 (RE# 00012902-000100) – A change in nonconforming use from a retail plant store to a bicycle rental, repair and retail shop in the HRO zoning district per Section 122-32(e) of the Land Development Regulations of the City of Key West.**

Ms. Malo gave members an overview of the request. She informed members that the request is for a change of nonconforming use from a retail plant store use to a bicycle retail, repair and rental shop. No new square footage is proposed, and all business is to be conducted indoors. Based on criteria outlined in Section 122-32 (e) (1) and (2) of the City of Key West Code of Ordinances, the Planning Department recommends approval of the Change of Nonconforming Use with the following conditions:

1. This approval allows for the rental of ten bicycles. Those same bicycles are not to be rotated with other bicycles.
2. No bicycle painting shall take place on site.
3. Proposed bicycle racks must be coordinated with the Bicycle/Pedestrian/ADA Coordinator before installation.

The owners, Chris and Yolandi Wild, gave members an overview of the project. They informed members that they were not aware and did not agree to the condition to only maintain ten bikes and would like to increase that number to fifty.

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The following member of the public spoke on the matter:

- Bill Rowen

Board members reviewed and discussed the request with the applicant, staff and members of the public who spoke on the matter. Members addressed concerns over the disconnect between the applicant and Planning Department, parking impact and site plan clarity. Members were in agreement to have the applicants meet with staff to clarify outstanding issues and come back to the next regularly scheduled Planning Board meeting.

**A motion to postpone the change in nonconforming use request to the February 17, 2011 Planning Board meeting was made by Mr. Browning and seconded by Mr. Oropeza.**

**Motion was carried by unanimous voice vote.**

**SO ORDERED.**

- 2 Exception for Outdoor Merchandise Display – 111 Duval Street (RE# 00000490-000000) 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 to outdoor merchandise display request. He informed members that the request is to clarify and continue the existing outdoor display approval as granted through Board of Adjustment Resolutions 00-275 and 05-354 for an additional 60 month time span. Based on criteria in the City Code, the Planning Department recommends the request for Exception to Outdoor Merchandise Display be approved per the proposed plan to allow merchandise as currently displayed with the following conditions:

1. The Exception for the Outdoor Merchandise Display is limited to the existing courtyard, and will not be placed in the City right-of-way. The arrangement and type of items shown within the courtyard can be modified.
2. The Exception for the Outdoor Merchandise Display will only be present during hours of operation.
3. The Exception for the Outdoor Merchandise Display is specific to the tenant, John Lepouski and granted for 60 months.

Mr. Craig stated that the Department is taking a more conservative stand point given two prior approvals and the only purpose of this exception is to provide some flexibility in the type of things the applicant displays.

There were no public comments.

Board members reviewed and discussed the request with staff. Staff clarified that the exception would be granted to the existing tenant, John Lepouski and not the corporation.

**A motion to approve the exception for outdoor merchandise display to include Planning Department recommendations was made by Ms. Tennyson and seconded by Mr. Browning.**

**Motion was carried by unanimous voice vote.**

**SO ORDERED.**

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- 3 **After-the-Fact Variances – 908 Trinity Drive #4 (RE# 00065570-001010) For building coverage, impervious surface ratio, and setbacks in the SF zoning district per Sections 122-238 (4)(a), 122-238 (4)(b)(1), and 122-238 (6) a. 2. & 3. of the Land Development Regulations of the City of Key West.**

This item has been postponed to the February 17, 2011 meeting.

- 4 **Variance – 630 Eaton Street (RE# 00006290-000000) To the building coverage requirement in the HNC-2 zoning district per Section 122-840 (4)a as required in the Land Development Regulations of the City of Key West.**

Mr. Oropeza disclosed that he represented the seller on this transaction and that there is no involvement with the applicant.

Mr. Cunningham gave members an overview of the variance request. He informed members that this is a request for a variance to building coverage to construct a room addition and exterior stair for an existing non-conforming, contributing structure listed in the historic architectural survey. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

The applicant, Arnaud Girard, gave members an overview of the request. He informed members that there are seven units.

The project architect, Bill Rowen, gave members an overview of the site plans.

**A motion to approve the variance request was made by Ms. Tennyson and seconded by Mr. Oropeza.**

**Motion was carried by unanimous voice vote.**

**SO ORDERED.**

- 5 **Variances – 319 Amelia Street (RE# 00026130-000000) For building coverage, impervious surface ratio and setback requirements in the HMDR zoning district per Section 122-600 (4) (5) & (6) as required when the renovation 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 existing structure is in a dilapidated condition and the applicant intends to renovate the structure. To do so, per Section 122-28(b), the applicant is requesting variances to existing building coverage, impervious surface ratio, and building setback requirements since the cost of the proposed renovations exceeds 66% of the assessed value as proscribed in the code. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied. However, should the Planning Board choose to approve this request, staff recommends the following condition:

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

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The project architect, Tom Pope, gave members an overview of the request. Mr. Pope stated that he was in agreement with the proposed condition.

**A motion to approve the variances request with Planning Department recommendations was made by Mr. Browning and seconded by Mr. Oropeza.**

**Motion was carried by unanimous voice vote.**

**SO ORDERED.**

## **PLANNER'S REPORT**

Mr. Craig informed members that our variance language is not consistent with other jurisdictions within Monroe County. Other municipalities have wording to state that if the applicant meets one or more of the following criteria, a variance may be granted. In which in some cases allows staff to make a recommendation of approval of some variances. He then stated that other counties allow the Planning Director to approve minimal variances subject to public notice. He informed members that if the variance is appealed then it would go directly to the Planning Board for review. Language will be drafted and reviewed by legal prior to it coming before the Planning Board.

Mr. Craig gave members an update over the litigation between the City and Sunset Marina over the KOTS facility. He urged members to divert any questions the public may have to the Legal Department.

## **ADJOURNMENT**

**A motion to adjourn was made by Ms. Tennyson and seconded by Mr. Oropeza.**

**Motion was carried by unanimous voice vote.**

**SO ORDERED.**

Meeting adjourned at 7:20 pm.

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