

# Minutes of the Key West Planning Board

**August 18, 2011**

Approved September 15, 2011

Chairman Richard Klitenick called the Key West Planning Board Meeting of August 18, 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, Vice-Chairman Tim Root, Gregory Oropeza, Sam Holland, Jr., Jim Gilleran and Michael Browning

**Excused Absence:** Lisa Tennyson

**Also in attendance were:** Planning Director, Don Craig; Deputy Assistant City Attorney, Larry Erskine; Assistant City Attorney Ron Ramsingh; Fire Marshall, Marcus Devalle; Urban Forestry Manager, Cynthia Domenech-Coogle; Planning Department staff: Brendon Cunningham, Carlene Cowart and Nicole Malo.

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

Mr. Klitenick stated that both him and Mr. Oropeza would be recusing themselves from item 2. He then requested that item 6 be moved up on the agenda after item 2.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

## APPROVAL OF MINUTES

### 1 July 21, 2011 – Meeting Minutes

**A motion to approve the July 21, 2011 meeting minutes was made by Mr. Root and seconded by Mr. Browning.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

## RESOLUTIONS

### Old Business

### 2 After the fact Variance - 512 Margaret Street (RE# 00008230-000000) - For an after the fact side-yard setback variance in the HHDR zoning district per Section 122-630 (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Klitenick and Mr. Oropeza declared a conflict of interest and therefore recused themselves. Mr. Klitenick passed the gavel to Mr. Root. Both Mr. Klitenick and Mr. Oropeza left the dias during the discussion.

Mr. Cunningham gave members an overview of the project. He informed member that the request is for an after-the-fact variance for the installation of air conditioning equipment and a pool pump within the side-yard setback. Mr. Cunningham reviewed the criteria's for evaluating a variance. Based on the criteria established by

# Minutes of the Key West Planning Board

**August 18, 2011**

Approved September 15, 2011

the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for after-the-fact variance be denied.

The applicant's representative, Patrick Flanigan with Barton Smith, P.L., gave members an overview of the project.

There were no public comments.

Mr. Browning inquired if permits were ever pulled by the prior contractor. Mr. Cunningham stated that permits were pulled but that final inspections were never done. Mr. Browning then stated that the work was not done illegally; the process was just never completed.

Mr. Devalle stated that the Fire Department is ok with the size of the unit currently in place.

**A motion to approve the after the fact variance was made by Mr. Browning and seconded by Mr. Holland.**

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

**SO ORDERED.**

Mr. Klitenick and Mr. Oropeza returned to the dias.

## New Business

**6 Conditional Use - 802 - 806 Whitehead Street (RE# 00014010-000100, 00014020-000000) / 320-324 Petronia Street (RE# 00014010-000000), 809-811 Terry Lane (RE# 00014050-000000, 00014060-000000) - A Conditional Use request for a restaurant in the HNC-3 zoning district per Section 122- 868(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the conditional use request. She informed members that the proposed application is for a mixed use property of approximately 21,520 square feet located at the corner of Whitehead and Petronia Streets. The collective properties consist of five separate parcels. Three of the five parcels are zoned Historic Medium Density Residential – HMDR, including the parking lot that is accessed on Terry Lane; the remaining two parcels along Petronia Street are zoned Historic Neighborhood Commercial - HNC-3. She then stated that the request is for an increase of 125 seats, for a total of 165 seats. The applicant has chosen to limit the number of seats allowed while requesting flexible, indoor/outdoor consumption area of 6,637 square feet to be located in the HNC-3 zoning district only. The site currently is required to maintain the parking lot and 25 parking spaces associated with the existing development. However, the site is located in the Historic Commercial Pedestrian Oriented Area, and the change of use from the established commercial/restaurant uses to restaurant use does not trigger an increase in parking requirements. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for conditional use be approved with the following conditions:

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22. Conditions subject to an associated annual inspection:

- 1 Approval is limited to no more than 165 seats. At no time does the request for 6,637 square feet of consumption area allow the applicant to increase seating on the site without conditional use review.
- 2 The parking lot shall be reconfigured and maintained to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1)

# Minutes of the Key West Planning Board

August 18, 2011

Approved September 15, 2011

handicap space, and forty (40) scooter spaces on the lot including twenty-five (25) bicycle parking spaces throughout the site.

General conditions:

- 3 No amplified music or live performance is allowed after the hours of 10pm unless approved under a special event permit per Section 6-86 of the City Code or for a special city-sanctioned event within the Petronia Street Commercial Corridor. Amplified music will be regulated by the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances.
- 4 Recycling of applicable materials is required.
- 5 Hours of operation are limited from 8am to 11pm daily except during special city sanctioned events such as Fantasy Fest and Goombay.

The applicant’s representative, Owen Trepanier with Trepanier and Associates, gave members an overview of the request.

A motion to approve the conditional use request was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Motion was carried by unanimous voice vote.

# Minutes of the Key West Planning Board

**August 18, 2011**

Approved September 15, 2011

**SO ORDERED.**

**3 A proposed ordinance revision to Sec. 110-287 to allow for expanded expenditures regarding educational programs for city staff and the Tree Commission as sponsored by Commissioner Lopez and approved by the Tree Commission.**

Mr. Ramsingh gave members an overview of the proposed ordinance. He informed members that the proposed ordinance revision is to Sec. 110-287 to allow for expanded expenditures regarding educational programs for city staff and the Tree Commission as sponsored by Commissioner Lopez and approved by the Tree Commission.

Mrs. Domenech-Coogle informed members that

# Minutes of the Key West Planning Board

August 18, 2011

Approved September 15, 2011

A motion to approve the Tree Commission Proposed Ordinance to the City Commission was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Motion was carried by unanimous voice vote.

SO ORDERED.

**3 Variances - 730 Southard Street (RE# 00011690-000000) - For side, rear and street side setbacks in the HHDR zoning district per Section 122-630 (6) b. c. & d. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the variances request. He informed members that the property is located in the historic district and is legally nonconforming regarding setback requirements. The existing structure is in a dilapidated condition and the applicant intends to renovate and expand the structure. To do so, per Section 122-28(b), the applicant is requesting variances to existing building setback requirements since the cost of the proposed renovations exceeds 66% of the assessed value as proscribed in the code. Mr. Cunningham then reviewed the criteria's for evaluating a variance. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for the variances be denied.

The applicant's architect, Tom Pope, reviewed the request with members.

# Minutes of the Key West Planning Board

August 18, 2011

Approved September 15, 2011

A motion to approve the variances request was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Motion was carried by unanimous voice vote.

SO ORDERED.

**4 Minor Development Plan - 241 Margaret (RE# 00072082-004501) - A Minor Development Plan for the reconstruction of the Key West Bait and Tackle retail shop and second storey offices in the HRCC-2 zoning district per Section 108-91(A.)(1)(b.) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Malo gave members an overview of the minor development request. She informed members that the applicant is proposing a Minor Development Plan for the demolition and development of a two-storey structure on City owned property for use as a second floor office and first floor retail space. The total square footage proposed is 22,071 s.f and eight (8) parking spaces are required, although over thirty spaces may be associated with the existing use in the adjacent parking lot on the property. The proposed development meets FEMA requirements. Further, the structure has been designed to meet LEED certification levels and is thus energy efficient.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for the minor development plan be

The applicant's representative, Owen Trepanier with Trepanier and Associates, gave members an overview of the request.

**Minutes of the Key West Planning Board**  
**August 18, 2011**  
Approved September 15, 2011

# Minutes of the Key West Planning Board

**August 18, 2011**

Approved September 15, 2011

A motion to approve the minor development to include Planning Department recommendations was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Motion was carried by unanimous voice vote.

**SO ORDERED.**

## **PLANNER'S REPORT**

- Variance Procedure

## **ADJOURNMENT**

A motion to adjourn was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Motion was carried by unanimous voice vote.

**SO ORDERED.**

Meeting adjourned at \_\_\_\_\_ pm.

Submitted by,  
Carlene Cowart  
Development Review Administrator  
Planning Department