

Minutes of the Key West Planning Board

February 18, 2010

Approved March 18, 2010

Chairman Richard Klitenick called the Key West Planning Board Meeting of February 18, 2010 to order at 6:10 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ITEM 1. ROLL CALL

Present were: Chairman Richard Klitenick; Members, Jim Gilleran, Michael Browning, Gregory Oropeza and Sam Holland, Jr.

Excused absence: Tim Root and Ed Gartenmayer

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Alan Averette, KW Fire Department; Jim Young, Code Compliance Manager; Scott Anderson, Code Compliance; and Planning Department staff, Brendon Cunningham, Nicole Malo and Carlene Cowart.

ITEM 2. APPROVAL OF AGENDA

Mr. Klitenick suggested that Item 4a1 be moved after New Business in order to allow items with more members of the public present to be heard first.

A motion to approve the agenda AS AMENDED was made by Mr. Browning and seconded by Mr. Gilleran.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 3. APPROVAL OF MINUTES

A motion to approve the January 28, 2010 Planning Board Special Meeting minutes was made by Mr. Browning and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 4. ITEMS FOR PUBLIC HEARING

b. NEW BUSINESS

- 1. Transient License Transfer – 1901 South Roosevelt Boulevard, #208E (RE# 00064700-000116) to 1016 Duval Street (RE# 00027170-000000) - An application for a Transient License Transfer from 1901 South Roosevelt Boulevard located in the Coastal Medium Density Residential (MDR-C) zoning district to 1016 Duval Street located in the Historic Residential Commercial Core (HRCC-3) zoning district per Sections 122-1338 and 122-1339 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley informed members that both of these transfers pertain to enabling the same property to operate transiently. Therefore, she suggested to members that staff describe the overall process, have Mrs. Stones provide a summary of the transfers if she is amenable to

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that and then have members vote on each resolution separately. Members and the applicant's agent were in agreement.

Mr. Brendon Cunningham gave members an overview of the overall transient license transfer process. He clarified for members that 1901 South Roosevelt had a transient license and a medallion and therefore appeared to have two licenses when in fact there is only one license associated with address. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends approval of the transient transfer of two licenses from 1901 South Roosevelt Boulevard, 208E, to 1016 Duval Street with the following condition:

One additional license from a condominium with a living room, one bedroom, a kitchen and one bathroom at 2601 South Roosevelt Boulevard, #A403, (RE# 00065131-003500), will be approved and combined with this license from a condominium with a living room, three bedrooms, a kitchen and two bathrooms at 1901 South Roosevelt Boulevard, #208E, (RE# 00064700-000116) to allow a five bedroom single-family house to be used transiently.

And approval of the transient transfer of one license from 2601 South Roosevelt Boulevard, #A403, to 1016 Duval Street with the following condition:

Two additional licenses from a condominium with a living room, three bedrooms, a kitchen and two bathrooms at 1901 South Roosevelt Boulevard, #208E: (RE# 00064700-000116), will be approved and combined with this license from a condominium with a living room, bedroom, kitchen and bathroom at 2601 South Roosevelt Boulevard, #A403, (RE# 00065141-003500) to allow a five bedroom single-family house to be used transiently.

The applicant's legal representative, Ginny Stones, gave members an overview of the transient license transfer requests. She informed members that the owner hosted an open house and invited surrounding residential and commercial property owners to discuss any concerns they may have. The receiver site has one off street parking site and they are currently working with the adjacent commercial property that rents electric vehicles and mopeds, to allow parking on their site if the tenants rent from them. The owners will also include in their advertising and their rental contracts information about limitations on off street parking availability, the prohibition of on street parking on Julia Street and the cost and location for parking availability on Duval Street, adjacent pay lots and City lots.

Mr. Klitenick asked Mrs. Stones if the open house was well attended. Mrs. Stones stated that several residents as well as commercial business owners attended the gathering.

Mr. Browning asked staff if there are requirements to provide additional parking. Mrs. Kimball-Murley stated that there is no requirement to provide additional parking and that she is thankful to the applicant and owner for their approach to educating renters.

Mr. Klitenick expressed that the applicant and owner have met the spirit and intent of the law.

A motion to approve the transient license transfer request to include Planning staff recommendations was made by Mr. Browning seconded by Mr. Holland.

Motion carried by unanimous voice vote.

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SO ORDERED.

- 2. Transient License Transfer – 2601 South Roosevelt Boulevard, #A403 (RE# 00065141-003500) to 1016 Duval Street (RE# 00027170-000000) - An application for a Transient License Transfer from 2601 South Roosevelt Boulevard located in the Coastal Medium Density Residential (MDR-C) zoning district to 1016 Duval Street located in the Historic Residential Commercial Core (HRCC-3) zoning district per Sections 122-1338 and 122-1339 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

A motion to approve the transient license transfer request to include Planning staff recommendations was made by Mr. Holland seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

- 3. Variance – 809 Southard (RE # 00008440-000000) – A variance for a side yard setback in the Historic High Density Residential (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, Florida.**

Mrs. Kimball-Murley informed members that the requested variance is in an area where there was an existing after-the-fact variance granted. After further research, staff discovered that this was a variance that was granted for the replacement of an involuntarily destroyed legally nonconforming structure on the site.

Ms. Nicole Malo gave members an overview of the variance request. She informed members that the Fire Department had initial concerns at the DRC; however, after a site visit concurred that there was already a structure in the setback. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the variance request be denied. However, if approved, staff recommends that the variance should include the following condition:

The applicant shall include guttering and a downspout in the plans to improve stormwater management prior to building permit issuance.

Mrs. Cowart then read the names of those who offered comments in favor of the project: Moody Lawrence, 717 Southard Street; Peter Barry, 802 Southard; Meunice Melnick, 811 Southard; Roger Akers, 533 Williams; and Ralph Roberts, 806 Southard.

The applicant, Edward Cole, gave members an overview of the application. Mr. Cole clarified for Mr. Browning that the site plan did indeed have an error and that there is not a toilet on the patio.

Mr. Browning asked Mr. Cole if he was in agreement with the condition recommended by Planning staff. Mr. Cole agreed to the condition.

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A motion to approve the variance request to include Planning staff recommendation was made by Mr. Browning seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

- 4. Variances – 900 Washington Street (RE# 00039940-000000) – A request for variances to building coverage, and front setback requirements in the Single Family (SF) zoning district per Sections 122-238 (4)(a), (6)(a)(1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Cowart formed members that 61 notices were sent to surrounding property owners; one was returned as undelivered and there were nine web hits. She then read the names of those who offered comments in favor of the project: Christine Bassett and Carey Alexander, 901 Washington; JJ Famularo, 822 Washington; David and Marcia Zensinger, 1419 Reynolds; Paul Gildea and Cory Held, 904 Washington; James and Stephanie Kareh, 1421 Reynolds; Brooks Cathey, 908 Washington; Roger and Mary Westerlund, 907 Washington.

Mrs. Kimball-Murley 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 variance request be denied. However, if approved, staff recommends that the variance should include the following condition:

That the applicant insures that the roof does not increase run-off onto adjacent properties.

Mr. Browning inquired about the swale. Mrs. Kimball-Murley informed members that the original design included a small swale; unfortunately, that small swale was in conflict with the location of a tree. The applicant looked at relocating the swale; however, after working with the City Engineer determined that they did not need to construct the swale and that they could in fact meet requirements through best management practices.

The applicant's representative, Joel Reed with Solaria Design and Consulting Company, gave members an overview of the request.

Mr. Browning asked Mr. Reed if he was in agreement with the condition recommended by Planning staff. Mr. Reed agreed to the condition.

A motion to approve the variance request to include Planning staff recommendation was made by Mr. Browning seconded by Mr. Holland.

Motion carried by 4-1 voice vote; opposed by Mr. Gilleran.

SO ORDERED.

a. OLD BUSINESS

- 1. Building Permit Allocation System Ordinance – Modifications to Chapter 108, Article X, Building Permit Allocation and Vested Rights, Code of Ordinances, pursuant to Chapter 90, Article VI, Division 2, Code of Ordinances, City of Key West, Florida.**

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Mrs. Kimball-Murley stated that there were a few suggested changes at the last meeting, as well as discussion on the criteria for extensions. She stated that while modifying the draft, staff kept it simple and still attempted to address members' concerns.

Mr. Klitenick stated that to the best of his knowledge, we are not being allocated anymore units from the DCA; yet, we are incorporating a table that is in our existing code with a maximum allocation of 111 units per year. Mrs. Kimball-Murley stated that all of the annual allocations originating from the comprehensive plan have been deleted from the Ordinance in the earlier revisions. Mr. Klitenick then asked why the table is referenced on page two. Mrs. Kimball-Murley stated that the table is by structure type which outlines issues such as transient and affordable units. The table in the old code has been amended by prior amendments to this ordinance.

Mr. Klitenick then asked staff what the Ordinance is actually doing if we are not getting any more units. Mrs. Kimball-Murley stated that units remain in the system and that it addresses beneficial units, lawful unit determinations, phantom units and affordable housing.

Mr. Browning asked staff if DCA is in agreement with this amendment. Mrs. Kimball-Murley stated that they will run it back through the DCA; however, prior conversations with DCA went well.

The following member of the public spoke on the matter:

Margaret Romero, 1615 Washington Street

Members discussed Ms. Romero's specific situation. Mrs. Kimball-Murley informed members that the unit would have had to be counted under the 1990 Census in order for the unit to be recognized. However, under this Ordinance, a recipient of a beneficial use unit would have two years with a two year extension for an allocation.

Mr. Holland asked Mrs. Kimball-Murley how many vacant lots exist. Mrs. Kimball-Murley stated that we currently have less than 100 vacant lots; maybe less if we research each one.

Mr. Erskine clarified that the clock does not run until the application is submitted.

Mrs. Kimball-Murley stated that this Ordinance allows longer timeframes for beneficial use determinations than approved administratively in the past.

Mr. Gilleran stated that the public needs to know that there is a process for unit recognition and to contact the Planning Department if they have questions.

A motion to approve the modification to the building permit allocation system ordinance was made by Mr. Gilleran and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 5. PLANNER'S REPORT

Mrs. Kimball-Murley informed members that Mrs. Cowart has been hired as the new Development Review Administrator. She will be overseeing the Administrative Coordinator position as well as

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handling short term planning. She then informed members that the department has another position open for a senior level planner that will be working solely on updating the comprehensive plan.

Mrs. Kimball-Murley thanked Mr. David Oatway for his tremendous assistance on compiling the data for the transient lodging survey and Mr. Perry Johnson for his assistance on the population projections. She also thanked Margaret Romero for her time assisting staff compile information on the vacant lot analysis.

Mr. Klitenick asked staff when they will be moving to a new location. Mr. Erskine stated that the City Manager would like staff moved by April 1st starting with Phase I, the Madeleine Bean building; Phase II, City Hall; and Phase III, Finance.

ITEM 6. ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:35 pm.

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