

Minutes of the Key West Planning Board

March 18, 2010

Approved April 15, 2010

Chairman Richard Klitenick called the Key West Planning Board Meeting of March 18, 2010 to order at 6:25 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ITEM 1. ROLL CALL

Present were: Chairman Richard Klitenick; Members, Tim Root, Michael Browning, Gregory Oropeza and Ed Gartenmayer (arrived at 6:35 pm).

Excused absence: Jim Gilleran and Sam Holland, Jr.

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Marcus Delvalle, KW Fire Department; and Planning Department staff, Brendon Cunningham, Nicole Malo and Carlene Cowart.

ITEM 2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Mr. Browning and seconded by Mr. Root.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 3. APPROVAL OF MINUTES

a. February 18, 2010

A motion to approve the February 18, 2010 Planning Board 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

a. NEW BUSINESS

- 1. Minor Development Plan – 302-310 Front Street (RE# 00000640-0000000 and 00000640-000200) - An application for a Minor Development Plan for an existing mixed use commercial property in the HRCC-1 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, Florida.**

Mrs. Kimball-Murley gave members an overview of the minor development plan. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends approval of the minor development plan with the following conditions:

- 1. That variances request for open space, building coverage and impervious surface ratio are approved by the Planning Board.**

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2. That the applicant applies for a unity of title for properties at RE# 00000640-000000 and RE#00000640-000200 prior to building permit issuance.
3. The applicant has also agreed to donate \$300.00 for tree planting on Fitzpatrick Street to assist in the revitalization of the streetscape.

The applicant's representative, Bill Horn, gave members an overview of the minor development plan request.

Mr. Root stated that it does not appear that the dumpster area is large enough for everyone to use. Mr. Horn informed members that the retailers do not use the area but can if they choose to. Mr. Root stated that there is a serious problem on Duval Street and would like a designated area large enough for everyone to use.

Mr. Klitenick stated that Mr. Root's point is well taken since it is a congested area. He then verified with Mr. Horn if he was in agreement with Mr. Root's recommendations.

A motion to approve the Minor Development Plan to include Planning Department recommendations and the designation of a trash area on the first floor plan was made by Mr. Root.

Mr. Browning asked for clarification if there will be a designated site for each separate unit. Mr. Root stated that he would like to see an area designated for each unit.

Mr. Oropeza offered a friendly amendment to include on the condition that the retailers use their designated area.

Mr. Erskine clarified the condition to state that the first floor plan has to be amended to the satisfaction of the Planning Director. Members were in agreement.

The motion was seconded by Mr. Gartenmayer.

Motion carried by unanimous voice vote.

SO ORDERED.

Mr. Browning verified with the applicant that there is not a standard for refuse for commercial space.

Mrs. Kimball-Murley stated that Member comments help staff ask better questions from applicants.

2. **Variations – 302-310 Front Street (RE# 00000640-0000000 and 00000640-000200) - An application for Variations for open space requirements, landscape requirements, maximum building coverage and impervious surface ratio for a commercial property in the HRCC-1 zoning district, per Section 108-346(b), Section 108-412(a) and Sections 122-690(4)a and b of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

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

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Planning Department recommends the request for variances to open space and landscaping, impervious surface ratio and building coverage be **denied**. However, if approved, staff recommends that the variance should include the following conditions:

1. That the applicant applies for a unity of title for properties at RE# 00000640-000000 and RE#00000640-000200 prior to building permit issuance, and
2. That the Minor Development Plan request is approved by the Planning Board and City Commission; and
3. That the applicant agrees to donate \$300.00 for tree planting on Fitzpatrick Street to assist in the revitalization of the landscape.

Mrs. Kimball-Murley clarified for members that the \$300 landscape donation is a one-time donation for the combined project.

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

Motion carried by unanimous voice vote.

SO ORDERED.

3. **Conditional Use – 429 Caroline Street (RE# 00004430-000000) - An application for a Conditional Use approval for a bar and lounge on the first floor commercial unit and front porch, in the HRCC-1 zoning district per Section 122-688 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Oropeza disclosed that he was contacted by a member of the public regarding the application. Mr. Erskine asked Mr. Oropeza to inform members if what he hears from the applicant's overall presentation tonight is different from what he was told by the member of the public. Mr. Oropeza also disclosed that the deed in the application packet was prepared by a partner in his firm.

Mr. Klitenick disclosed that he had a conversation with Mr. St. Peter. He also stated that he represented Mr. Schultz in the past in an unrelated matter and that he was unaware of his involvement in this project until he read the report.

Mr. Browning disclosed that Keith St. Peter asked him procedural questions.

Mr. Klitenick requested that if this application moves forward that formalities be followed and that appropriate signatures be obtained on the authorization form.

Mrs. Kimball-Murley gave members an overview of the conditional use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends approval of the minor development plan with the following conditions:

1. Hours of operation are limited to Sunday through Thursday 10am to 12 am and Friday and Saturday from 10am to 2am.

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2. The use is approved for the sale of beer and wine only;
3. There will be no live music entertainment or outdoor music on the premises;.

The applicant's representative, Chris Schultz, gave members an overview of the minor development plan request. Mr. Schultz requested that the operating hours be modified to reflect closing at 2:00 a.m. and additional hours during special events.

Mr. Klitenick stated that when reviewing conditional use requests, members look to see if the request is compatible with the comprehensive plan. He then stated that this is the area where a bar would be located; however, his concern is live music indoors due to the residential units upstairs. He did recognize that members that live near the area are aware of the noise from Duval Street.

The owner, Suzanne Campbell, informed members that she is in agreement with the hours proposed by Mr. Schultz.

Mr. Root asked staff if the hours were set by staff or voluntarily offered by the applicant. Mrs. Kimball-Murley stated that the hours were provided by the applicant; however, he was unaware that it would be added as a condition.

Mrs. Kimball-Murley stated that if the applicant would like to be open later for special events we would need to craft special event language.

Mr. Root then asked if staff made a site visit to view if there was enough room for trash receptacles to handle the amount of trash they would be using. Ms. Malo stated that she made a site visit and there is enough room plus the applicant will be using T.R.A.S.H.E.D. in the Keys for recycling, which would be picked up three times a week. Mr. Root asked for better documentation on how the trash is stored and handled.

Mrs. Kimball-Murley stated that she understood that it is more than just showing the area where trash receptacles will be handled, it is about capacity.

Members were in agreement to have the applicant follow standard hours. Mr. Browning suggested that the hours of operation be deleted from the conditions.

A motion to approve the variance request to include Planning staff recommendations two and three was made by Mr. Browning seconded by Mr. Root.

Motion carried by unanimous voice vote.

SO ORDERED.

In reference to Mr. Klitenick's earlier comment regarding the authorization form, Mr. Erskine informed members that although the information does not appear on the authorization form, Ms. Malo broke down the partnership information on the first page of the staff report. Mr. Klitenick acknowledged the effort but asked that the verbiage be changed on the formal application. Mr. Erskine stated that they are in the process of revamping the form. Mr. Klitenick offered his assistance.

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4. **Conditional Use – 112 Fitzpatrick Street / 105 Whitehead Street (RE# 00000650-000000)**
- An application for a Conditional Use for the rental of two electric cars in the HRCC-1 zoning district per Section 122-688(17) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mrs. Kimball-Murley gave members an overview of the conditional use request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends approval of the minor development plan with the following conditions:

1. This approval allows for the rental of two electric cars from 112 Fitzpatrick Street. Those same vehicles are not to be rotated with other vehicles. License and VIN must be submitted to Licensing and Code Compliance Departments.
2. The license holder shall maintain a separate, permanent storage site for the two electric cars at the 400 block of Whitehead Street (RE# 00006650-000000). No electric car rentals will be permitted from the storage site.
3. Servicing, washing, and repair of the vehicles will take place in a location licensed for such services off site.
4. Hours of operation are limited to 8 a.m. to 6 p.m.
5. Vehicles exiting the Fitzpatrick Street site are prohibited from reversing off the site.
6. Mirrors will be installed for better line of site for vehicles exiting the Fitzpatrick Street site.
7. \$300.00 dollars shall be donated to the City of Key West/Tree Commission to replace shrubs on Fitzpatrick Street prior to Building Permit issuance

Mr. Browning asked staff where the mirrors will be placed. Ms. Malo stated that it is recommended that they be installed on the sides of the adjacent building and on the existing rental booth. Mrs. Kimball-Murley clarified that the installation is a condition of approval and that this facility would not be licensed until the conditions are met.

Mr. Browning then asked staff what would happen if one of the vehicles broke down since only two specific vehicles are allowed on site. Mrs. Kimball-Murley stated that if one vehicle is permanently out of commission, then that vehicle can be replaced; however, she stressed that there will not be a pool of vehicles. She then stated that the conditions were reviewed with the applicant and that they are in agreement.

The applicant's representative, Jim Evans, informed members that the mirrors will be installed within the next few days. He clarified that two concave mirrors will be installed, one up against the post on the adjacent building and the other on the booth.

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

Motion carried by unanimous voice vote.

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SO ORDERED.

ITEM 5. PLANNER'S REPORT

Mrs. Kimball-Murley informed staff that former Planning intern, Patrick Wright, was hired for the Administrative Coordinator position. She then stated that Brendon Cunningham is cross-training with HARC in order to cover when Ms. Torregrosa is on her honeymoon. Also, there have been an incredible pool of qualified applicants apply for the Growth Management Planner position.

She then informed members that the first reading of the extension to the transient transfer ordinance went well. The City Commission recommended a year extension. The second hearing is scheduled for April 6, 2010.

The Planning Department along with Mr. Finigan and Mr. Bowman have been working on the RFQ for the Carrying Capacity Traffic Study. The applicants will have to be creative since it is an unusual traffic study.

Lastly, City Commission has approved the move to Habana Plaza. The Planning Department will be part of the Phase I move.

Mr. Browning thanked staff for the informative packets. He then informed members and staff that he will be out-of-town May 19th-26th.

ITEM 6. ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:28 pm.

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