

Minutes of the Key West Planning Board

April 29, 2010

Approved June 10, 2010

Chairman Richard Klitenick called the Key West Planning Board Special Meeting of April 29, 2010 to order at 6:07 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ITEM 1. ROLL CALL

Present were: Chairman Richard Klitenick; Vice-Chairman, Tim Root; Members, Michael Browning, Ed Gartenmayer, Jim Gilleran, Gregory Oropeza and Sam Holland, Jr.

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Peter Mallott, KW Fire Department; John Cruz, Building Department; and Planning Department staff, Ashley Monnier, Nicole Malo, Carlene Cowart and Patrick Wright.

ITEM 2. APPROVAL OF AGENDA

Mrs. Kimball-Murley informed members that this agenda was published in advance to our last meeting and we were unaware that the exception for outdoor display for Item 4a 801 Caroline was going to be postponed to time certain. The applicant has requested that the item be postponed until the May 20, 2010 meeting.

Mrs. Kimball-Murley then informed members that applicants for items 4b1 – Conditional Use for 1010 Kennedy Drive, 4b3 – Modification to a Major Development Plan for 512 Greene Street and 4b4 – Variance for 512 Greene Street have requested postponement to time certain to the May 20, 2010 Planning Board meeting.

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.

ITEM 3. APPROVAL OF MINUTES

a. April 15, 2010

A motion to approve the April 15, 2010 Planning Board Meeting minutes was made by Mr. Oropeza and seconded by Mr. Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 4. ITEMS FOR PUBLIC HEARING

a. OLD BUSINESS

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 postponed to time certain for the May 20, 2010 Planning Board meeting.

Minutes of the Key West Planning Board

April 29, 2010

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b. NEW BUSINESS

1. **Conditional Use – 1010 Kennedy Drive (RE# 00065650-000500) – A conditional use for a proposed wireless facility (consisting of a monopole and associated equipment shelters) as a private utility in the CG zoning district per Section 122-418 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

This item has been postponed to time certain for the May 20, 2010 Planning Board meeting.

2. **Major Development Plan and Conditional Use - Poinciana Housing Special Needs Area off the 3200 Block of Duck Avenue/Spalding Court (RE# 00064740-000000) - An application for Major Development Plan and Conditional Use to construct a 16 bed managed-care facility in the MDR-1 zoning district per Section 108-91 (B.)(2.) (b.) and 122-278(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley stated that this is an application that is associated with a sizeable grant. She then informed members that the purpose of the amendments to the conditions that were in the original staff report is to ensure that the facility as described in the application is included in the approval and to avoid any future ambiguity about what was approved. She added that Mrs. Elmira Leto had a family emergency and was unable to review these conditions; however, the applicant's agent has reviewed them and we believe they will be acceptable.

Mr. Browning disclosed that he is on the board of Shall, which is the agency which will administer this grant. Mr. Erskine had Mr. Browning clarify that this is a non-profit agency and he holds a non-paid position. Mr. Erskine concurred that Mr. Browning does not have a conflict of interest.

Mr. Oropeza disclosed that his mother is on the board of Samuel's House. Mr. Erskine determined that Mr. Oropeza does not have a conflict of interest.

Mrs. Ashley Monnier gave members an overview of the major development plan and conditional use request.

Mr. Root asked staff for clarification since the request is for a 16 bed managed care facility; however, the definition for group homes allows only 7-14 beds. Mrs. Kimball-Murley stated that this request falls under the definition for nursing home, rest home or convalescent home.

The applicant's representative, Don Craig, gave members an overview of the request. He informed members that he did not have any concerns over the revised conditions, since it further defined the intent of the definition as applied to this project. He had a discussion with Dale Finigan, a member of the board and assured him that the conditions are acceptable and within the realm of the types of persons Casa de Meredith will serve.

Mr. Klitenick clarified with staff that the project would be allocated a 1.6 equivalent single family unit at the fractional rate of .1 ESFU per bed. Mrs. Kimball-Murley stated that the City has those allocations available for affordable housing.

Mrs. Monnier informed members that earlier in the afternoon, staff was made aware that there were two areas that needed to be clarified in the site plan and application. The first

Minutes of the Key West Planning Board

April 29, 2010

Approved June 10, 2010

clarification is that there will only be one ADA compliant unit. Secondly, rental rates for the efficiency units will be at \$600/month and the two bedroom units would be at the \$850/monthly rate.

Mr Root asked architect, Mr. Tom Pope, if transplanting the trees would affect the grant funding due to Mrs. Cynthia Domenech-Coogle's transplanting timeframe conditions. Mr. Pope stated that the majority of the trees are a size that will not require significant root pruning and that the timeframes were acceptable.

A motion to approve the major development plan and conditional use to include revised conditions outlined by the Planning Department was made by Mr. Gilleran seconded by Mr. Gartenmayer with discussion by Mr. Klitenick. Mr. Klitenick stated that having been involved with several of these projects, he understands this takes a lot of work and coordination and complimented staff on pushing this through.

Motion carried by unanimous voice vote.

SO ORDERED.

- 3. Modification to a Major Development Plan - 512 Greene Street (RE #00001170-000000) - A Modification to a Major Development Plan and Conditional Use approval to redevelop an existing parking lot and add outdoor consumption area for property located at 512 Greene Street in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3), 108-91C(4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

This item has been postponed to time certain for the May 20, 2010 Planning Board meeting.

- 4. Variance - 512 Greene Street (RE #00001170-000000) - A variance request to the required aisle width of a two-way driveway with 90 degree angled parking space for property located at 512 Greene Street in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-641 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

This item has been postponed to time certain for the May 20, 2010 Planning Board meeting.

ITEM 5. PLANNER'S REPORT

Mrs. Kimball-Murley informed members that member elections will be placed on the next Planning Board agenda. Also, staff will be coordinating with members on scheduling a transient license transfer public workshop in the coming weeks.

She then gave members an overview of the Truman Waterfront public workshop that was held on April 24, 2010. Over 200 members of the public were in attendance.

Members and staff discussed the status of the conditional approval permit ordinance. Mrs. Kimball-Murley explained that both legal issues and management issues regarding the ordinance had been identified and needed to be handled separately at the staff level. Management concerns pertained to the fees and implementation of the ordinance. Legal concerns included the structure of the ordinance and its location in the code as well as constitutional issues. Members were in agreement that this ordinance is not intended to penalize the applicants, but a reaffirmation of the conditions upon which they agreed

Minutes of the Key West Planning Board

April 29, 2010

Approved June 10, 2010

to and where granted, and that the “gentle reminder” portion of the ordinance (the annual inspections) is important. Mrs. Kimball-Murley informed members that annual fees may range from \$150-\$250.

Mr. Erskine informed members that he has spent time researching constitutional issues associated with the ordinance in order to obtain approvals. Staff will continue to research to determine if a better approach to the ordinance is possible and report back to the Board.

Mr. Klitenick informed members that this is Mr. Gartenmayer’s last meeting. Members thanked Mr. Gartenmayer for his time and service to the Planning Board.

ITEM 6. ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Meeting adjourned at 7:00 pm.

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