

# Minutes of the Key West Special Planning Board

**June 10, 2010**

Approved July 15, 2010

Chairman Richard Klitenick called the Key West Planning Board Special Meeting of June 10, 2010 to order at 6:00 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, Jim Gilleran, Gregory Oropeza, Sam Holland, Jr. and Lisa Tennyson.

**Excused Absence:** Michael Browning.

Mr. Klitenick welcomed Lisa Tennyson to the Board.

**Also in attendance were:** Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Alan Averette, KW Fire Department; and Planning Department staff, Brendon Cunningham, Ashley Monnier, Carlene Cowart and Patrick Wright.

## **ITEM 2. APPROVAL OF AGENDA**

Mrs. Kimball-Murley informed members that the applicant for Item 5a3 – Conditional Use for 1010 Kennedy Drive has requested to renote to time certain to the July 15, 2010 Planning Board meeting.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

## **ITEM 3. APPROVAL OF MINUTES**

### **a. April 29, 2010**

**A motion to approve the April 29, 2010 Special Planning Board Meeting minutes was made by Mr. Gilleran and seconded by Mr. Root.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

## **ITEM 4. ANNUAL ELECTION OF OFFICERS (Chairman and Vice Chairman)**

A motion to nominate Richard Klitenick as Planning Board Chairman was made by Mr. Gilleran and seconded by Mr. Root. Mr. Gilleran asked that nominations be closed.

Motion carried by unanimous voice vote.

A motion to nominate Tim Root as Planning Board Vice-Chairman was made by Mr. Gilleran and seconded by Mr. Klitenick. Mr. Gilleran asked that nominations be closed.

Motion carried by unanimous voice vote.

## **ITEM 5. ITEMS FOR PUBLIC HEARING**

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## a. NEW BUSINESS

1. **Workforce Housing Applicant Eligibility Review of Household Income and Unique Circumstances - A request for relief from Section 122-1469 (10) of the Code of Ordinances has been requested by Dewitt Roberts Jr. to consider unique circumstances pertaining to the one year residency requirement of Workforce Housing Applicant Eligibility, pursuant to Section 122-1469 (15) of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley informed members that no public comments were received on this item.

Mrs. Monnier gave members an overview of the request. She stated that the applicant has complied with all but one of the criteria. She then gave members an overview of the applicant's history.

Ms. Tennyson asked staff for clarification on workforce requirements for workforce housing especially in regards to income requirements. Mrs. Monnier stated that there are fourteen requirements in Section 122-1469 that are reviewed by the Housing Authority when an applicant comes forth to request an eligibility determination. This specific provision in the code allows for the Planning Board to view the request if it has been determined that any of that criteria has not been met.

Mr. Erskine stated that it has been the policy of the city in the past to waive the income requirement when the applicant is disabled. However, in abundance of caution, the Planning Board can find an exception and grant a waiver for that income requirement if they choose.

Mr. Klitenick clarified that we are just looking at residency requirements.

The applicant, DeWitt Roberts, gave members a brief overview of his request.

The following member of the public spoke on the matter:

- Margaret Romero, 1615 Washington Street

**A motion to approve the request was made by Mr. Gilleran seconded by Mr. Root.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

2. **Transient License Transfer – 916 Fleming Street (RE# 00007780-000000) to 515 Louisa Street Unit A (RE# 00028580-000101) - An application for a Transient License Transfer from 916 Fleming Street located in the Historic Medium Density Residential (HMDR) zoning district to 515 Louisa Street located in the Historic Residential Commercial Core (HRCC-3) zoning district per Section 122-1339 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Oropeza disclosed that the owner is a client; therefore, he recused himself and left the dias.

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Mr. Klitenick stated that it appears that the sender site is owned by virtue of a foreclosure by Keys Federal. He inquired about the status of the licenses and where they were being held. Mr. Cunningham stated that the licenses were held in an unassigned pool and maintained by Sheldrake and were removed at the time of the redevelopment of the property.

Mrs. Kimball-Murley clarified for members that when a site is redeveloped the units and licenses are lifted from the site and held in an unassigned pool which are tracked by our licensing department.

Mr. Klitenick asked that for future requests, that the prior Planning Board Resolutions be attached for reference.

Mrs. Kimball-Murley informed members that 89 notices were sent to surrounding property owners from the sender site, with one notice undelivered. 70 notices were sent to surrounding property owners from the receiver site with no notices undelivered. There were four web hits on the project and two public comments were received from the following members of the public:

- Stephen Mathys, 516 Catherine Street (opposed)
- Larry and Danielle Kleinman, 515 Louisa Street, Unit B (in favor)

Mr. Cunningham gave members an overview of the transient license transfer request.

The applicant, Mr. David Van Loon, informed members that he addressed concerns of neighbors who have expressed concerns. The property manager for Vacation Homes of Key West was present for any questions.

Mr. Klitenick disclosed that Vacation Homes of Key West is owned by his mother-in-law.

Mr. Klitenick stated that this application is exactly what this ordinance was designed for, where it is taking a nonconforming transient rental out of a neighborhood where it is not allowed into an area where it is permitted as of right.

Mrs. Kimball-Murley clarified for Ms. Tennyson that the licensing official will combine the two licenses into a single license.

Mr. Root commended the applicant for reaching out to the neighbors and addressing their concerns.

**A motion to approve the request was made by Mr. Root seconded by Mr. Holland.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

Mr. Oropeza returned to the dias.

- 3. 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.**

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This item will be renoticed to time certain for the July 15, 2010 Planning Board meeting.

**4. Recommendation of an Ordinance of the City Commission of the City of Key West, approving an Amendment to Chapter 18, Businesses, of the Code of Ordinances of the City of Key West to include a conditional approval permit; and providing an effective date.**

Mrs. Kimball-Murley informed members that this ordinance is slightly different than the ordinance that the members originally approved late last year. Mrs. Kimball-Murley then reviewed the following changes made to the ordinance:

- The language that raised the constitutional concerns relative to access was removed;
- Variances was removed from the types of approvals; which may pose a burden on single-family homeowners;
- Shifted timeframe to June;
- Violations of this ordinance be pursued in two different directions, code compliance or court solution;
- Fees would be \$150-\$250/year for annual inspections and permitting – management is still examining these amounts;

Mrs. Kimball-Murley added that this ordinance falls under the permitting of Chapter 18 and does not require Planning Board approval; however, since this ordinance originated from the Planning Board, she requested the member's endorsement as it moves through the process.

Mr. Klitenick requested that "upon reasonable notice" be added so that members of the public are notified prior to inspections. Mrs. Kimball-Murley stated that the intention is for Licensing to mail out a notice to the applicant stating they need to schedule the inspection with code officers.

Mr. Erskine stated that the verbiage would read that the Code Compliance Department will inspect each facility on an annual basis upon reasonable notice.

Mr. Erskine clarified for Mr. Root that conditional uses run with the property; therefore, both the lessee and the owner would be notified.

Ms. Tennyson asked staff what would happen if an applicant refuses to accommodate with an inspection. Mr. Erskine stated that the Code Compliance department would make a determination whether or not they can carry out their duties without actually inspecting it; otherwise they would need to seek an inspection warrant.

Ms. Tennyson then asked if language can be inserted where their permit will not be renewed unless access is granted. Mr. Erskine stated that they would run into the same legal problems with constitutional concerns.

Mr. Erskine notified members that if there are violations, the Magistrate would assign fines.

Mr. Gilleran stated that the purpose of this ordinance was not to become a burden on tax payers; rather, it is intended to ensure that special conditions are adhered to. Mr. Gilleran thanked the Legal Department and staff for working together on this ordinance.

**A motion to approve the recommendation with modifications was made by Mr. Gilleran seconded by Mr. Root.**

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**Motion carried by unanimous voice vote.**

**SO ORDERED.**

Staff will notify members when the item goes before the City Commission.

- 5. An Ordinance of the City of Key West, Florida, creating Chapter 109 of the Code of Ordinances entitled “Dogs in Public Food Service Establishments”; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

Assistant City Attorney, Ron Ramsingh, gave members an overview of an Ordinance creating Chapter 109 of the Code of Ordinances entitled “Dogs in Public Food Service Establishments”.

**A motion to approve the request was made by Mr. Oropeza seconded by Mr. Root.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

## **ITEM 6. PLANNER’S REPORT**

Members discussed holding additional meetings each month. Members were in agreement to hold additional meetings rather than overburden agendas.

Mrs. Kimball-Murley informed members that we are still in the process of setting up a date for the Transient Unit Ordinance workshop.

## **ITEM 7. ADJOURNMENT**

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

Motion was carried by unanimous voice vote.

**SO ORDERED.**

Meeting adjourned at 7:00 pm.

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