

# Minutes of the Key West Planning Board

**June 17, 2010**

Approved July 15, 2010

Chairman Richard Klitenick called the Key West Planning Board Meeting of June 17, 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.

**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, Carlene Cowart, Ashley Monnier, Nicole Malo and Patrick Wright.

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

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

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

## **ITEM 3. ITEMS FOR PUBLIC HEARING**

### **a. New Business**

- 1. Exception for Outdoor Display - 804 Caroline Street (RE# 00003200-000000) – An application for Exception for Outdoor Merchandise Display, to allow the display of merchandise sold in-store in the HNC-2 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley informed members that 57 notices were sent to surrounding property owners, two notices were undelivered, six web hits and there was one public comment in favor of the project.

Mrs. Monnier gave members a project overview. Mrs. Monnier informed members that the Planning Board approved a 60 month exception for outdoor display last year for this location. That approval included the display of home and garden type décor in a 6' x 15' area on the front porch of the property. Since the approval was granted, the property has been the subject of a code violation. The City's Code Compliance Department cited the applicant for displaying merchandise, specifically jewelry which was not considered home and garden décor. Upon further review by the Planning Department, we acknowledged that the original request was broader than what was actually included in the resolution. Therefore, this request is to clarify that any item that is sold in the store can be sold within that exception area. She then stated that the new exception would allow furniture placement to be flexible.

Mrs. Kimball-Murley stated that we bear the responsibility of making the last resolution too specific and we appreciate the applicant's efforts to work towards clarifying the language.

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Mr. Gilleran asked staff the status of the code case. Mrs. Kimball-Murley stated that Code Compliance holds off on enforcement when there is an active application to resolve the citation.

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

**Motion carried by unanimous voice vote.**

**SO ORDERED**

- 2. Modification to a Major Development Plan - 512 Greene Street (RE# 00001170-000000) - A Major Modification to a Major Development Plan and Conditional Use approval to reconfigure a parking lot, eliminate an access easement and relocate the garbage 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) and (4) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Root disclosed that he was employed by the applicant; therefore, he recused himself and left the dias.

Mrs. Kimball-Murley informed members that 36 notices were sent to surrounding property owners, one notice was undelivered, there were 11 web hits and one comment was received in favor of the project.

Mrs. Kimball-Murley then gave members an overview of the Modification request. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for a modification to a Conditional Use and Major Development Plan be approved with the following conditions:

1. The parking lot shall be used for handicap parking and compact cars only;
2. The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver;
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request;
4. There will be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors;
5. Security cameras will be provided on site and security personnel will be present during the hours of operation;
6. Compliance with the plans dated May 26, 2010, is a condition of approval and specifically incorporated herein; and
7. Waste handling shall be consistent with the Solid Waste Management plan dated April 16, 2010.

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The applicant's attorney, Susan Cardenas with Stones and Cardenas was present for any questions. The applicant's representative, Owen Trepanier, gave members an overview of the modifications.

Mr. Browning disclosed that he rents space from Mr. Trepanier.

Mr. Klitenick asked staff for clarification if the public comment submitted was in favor of the project only if the approval traveled with the conditions listed above. Mrs. Kimball-Murley stated that he was correct and that an additional condition was suggested in that meeting. The applicant's representative held another open house and was able to resolve neighborhood concerns.

Mr. Trepanier stated that site plan changes resulted from meetings with neighbors and addressing their concerns.

Mr. Klitenick asked staff if the City would recommend that a condition be added to prohibit vehicular access between the two parcels. Mrs. Kimball-Murley stated that she would like it either as a condition or listed on the plan prior to it going to the City Commission for review so that neighbor concerns are visibly addressed.

Mr. Klitenick inquired about the department's position in regards to the six seats in the consumption area that is on the Anne Street side. Mrs. Kimball-Murley stated that outdoor consumption area was not noticed or included in the project. We researched what was there and verified that there was an outdoor consumption area in a prior restaurant. If approved as outdoor bar consumption area, those seats would not require parking but they would need a conditional use approval.

Ms. Tennyson asked staff if there is an example of an existing parking lot in the city that requires compact cars. Staff was unaware of any existing parking lot.

Mr. Browning clarified with the applicant that they would like a condition preventing vehicular access with the ability to have pedestrian access and not make the pedestrian access a condition. Mr. Trepanier was in agreement.

The following member of the public spoke on the matter:

- Suzanne Dowling, Curry Mansion Inn

Mr. Erskine informed members that the six seats associated with the outdoor consumption area were not properly noticed and cannot be voted on.

The applicant was in agreement to recycle any materials accepted by the City's recycling facility as a condition of approval.

Ms. Cardenas clarified for members that the installation of the sound system is already a condition and it would be a requirement before a certificate of occupancy is issued.

Mr. Gilleran asked Mr. Trepanier that given the time and effort that city staff has put into this project, does he feel comfortable if this gets approved with these conditions that they will be able to move forward and not be back three months from now. Mr. Trepanier stated that he believes this would work and that the owner is in agreement.

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Mrs. Kimball-Murley clarified that everything that needs to be constructed must be in place before the certificate of occupancy is issued.

Mrs. Kimball-Murley suggested that a condition regarding the prevention of vehicular traffic be more defined. She suggested the verbiage offered by a neighboring property owner be modified to state that there be an installation of fixed barrier and vegetation to prevent vehicular traffic.

Mr. Browning suggested that the condition read that the future landscape area be landscaped according to city standards subject to a six foot swath to allow for pedestrian access. The applicant's attorney was in favor of the condition.

Mrs. Kimball-Murley stated that the confusion is that as the plans are presented now, the landscaping would not occur until later and there could be vehicular access. The neighbors are requesting that there not be vehicular access starting now versus some time in the future.

Mrs. Cardenas stated that they are in agreement of installing the landscape before the certificate of occupancy. She suggested that they submit a revised site plan that deletes reference for future landscaping and refers back to the landscape plan which shows it in the 6' x 21' area. She then asked the members since they are submitting a revised site plan, if they can show the additional six seats that they agree was pre-existing for the restaurant use.

Mr. Klitenick informed the applicant that they can ask for the item to be tabled and renoted to include the six seats associated with the outdoor consumption or go forward as advertised. Mrs. Cardenas requested the item go forward as advertised.

Mr. Holland suggested that rewording item two of Dean Carlson's letter can resolve the landscape issue. Mrs. Kimball-Murley suggested the following verbiage: The applicant will modify the site plan and landscape plan to provide a fixed barrier and vegetated buffer to prevent vehicular access but allow pedestrian access in the area on the plan labeled as future landscape area. Mrs. Cardenas said that language is acceptable. Mr. Browning asked that pedestrian access be no less than six feet in width be added to that condition.

**A motion to recommend approval of the Modification to a Major Development Plan request was made by Mr. Gilleran seconded by Ms. Tennyson to include the following conditions:**

- **Seven conditions recommended in the Planner's Staff Report;**
- **Applicant will modify the site plan and landscape plan to provide a fixed barrier and vegetative buffer to prevent vehicular access but allow pedestrian access no less than six feet in width in the area on the site plan dated May 26, 2010, labeled as Future Landscape Area;**
- **Waste handling shall be consistent with the Solid Waste Management plan dated April 16, 2010. The applicant will recycle materials accepted by the city's waste handling contractor;**
- **Prior to the issuance of the Certificate of Occupancy City Staff will confirm that the sound system is functioning**

**Mrs. Kimball-Murley asked members for clarification if they wanted to add real time monitoring of the sound system included in the conditions.**

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**Mr. Browning amended his motion to include real time monitoring of the sound system. Motion was seconded by Ms. Tennyson.**

**Motion carried by unanimous voice vote.**

**SO ORDERED.**

Mr. Root returned to the dias.

- 3. Major Development Plan and Conditional Use - 3424 Northside Drive (RE# 00065830-000000) - A Major Development Plan and Conditional Use request for the reconstruction and expansion of an existing church and parking lot for 70 spaces for property located at 3424 Northside Drive in the Single Family (SF) zoning district per Section 108-91B(2)b and Section 122-236(4) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley informed members that 79 notices were sent to surrounding property owners, one notice was undelivered and there were 15 web hits. She then stated that 15 comments were received in favor of the project.

Ms. Malo gave members an overview of the Major Development Plan and Conditional Use request. She then informed members that the height variance will be heard by the City Commission sitting as the Board of Adjustment. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the department recommends the request for a Conditional Use and Major Development Plan be recommended for approval with the following conditions:

1. That the final landscape plan be approved by the Tree Commission;
2. All site plan revisions dated May 3, 2010 shall be reflected on the civil drawings currently dated March 31, 2010 as well as the landscape plans dated May 24, 2010;
3. Signage must meet Code standards in accordance with Key West Code Chapter 114 Division 2.

Mr. Oropeza asked that Ms. Malo clarify the landscape concerns discussed at the DRC. Ms. Malo stated that the code requires that landscape plans be prepared by a registered landscape architect and staff suggested that more trees be added in the pedestrian realm to provide shade. Mrs. Kimball-Murley added that the idea is to create a canopy in the pedestrian realm.

Mrs. Kimball-Murley informed members that the code does not allow monument signs in the single-family district. The sign would be a legal non-conforming sign; therefore, we would need to research and match up our sign ordinance with the non-conformities ordinance to provide a clear direction for the applicant.

The project architect, Rich Gaines, was available for questions. He thanked Planning staff for their work on the project. He informed members that they are working with staff on the landscape plans.

Mrs. Kimball-Murley asked that an additional condition be added stating that the steeple height will need Board of Adjustment approval.

# **Minutes of the Key West Planning Board**

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**A motion to recommend approval of the Conditional Use and Major Development Plan request to include conditions from the Planning Department was made by Mr. Gilleran seconded by Mr. Oropeza.**

**Motion carried by unanimous voice vote.**

**SO ORDERED**

## **ITEM 4. PLANNER'S REPORT**

Mrs. Kimball-Murley informed members that the Transient Unit Ordinance workshop will be held on Wednesday, July 14<sup>th</sup>.

She then informed members that we are hoping that the Gilleran Ordinance will be on the July 6<sup>th</sup> City Commission agenda. We will inform members when the Ordinance is officially on the City Commission agenda.

Mrs. Kimball-Murley then informed members that the Planning Department offices will be moving to Habana Plaza prior to the next Planning Board meeting.

## **ITEM 5. ADJOURNMENT**

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

Motion was carried by unanimous voice vote.

**SO ORDERED.**

Meeting adjourned at 7:15 pm.

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