

**Minutes of the Key West Planning Board
Approved on February 19, 2009**

January 15, 2009

Chairman Richard Klitenick called the Key West Planning Board Meeting of January 15, 2009 to order at 6:05 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ITEM 1. ROLL CALL

Present were: Chairman Richard Klitenick; Members, Jeff Allen, Tim Root, Barry Barroso and James Gilleran.

Excused Absence(s): Edward Gartenmayer and Terry Garcia.

Also in attendance were: Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Alan Averette, Lt. Fire Inspector; and Key West Planning Department staff Wendy Tucker, Rodney Corriveau, Brendon Cunningham, Ashley Monnier, Nicole Malo and Carlene Cowart.

ITEM 2. APPROVAL OF AGENDA

A motion to postpone Item 4b1 to the February 19, 2009 Planning Board Meeting was made by Mr. Root and seconded by Mr. Barroso.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 3. APPROVAL OF MINUTES

a. Planning Board Meeting Minutes – December 18, 2008

Mr. Klitenick requested that the minutes be corrected to remove Mr. Demes from the roll call since he was not present at the meeting.

A motion to approve the December 18, 2008 Planning Board Meeting Minutes as amended was made by Mr. Gilleran and seconded by Mr. Root.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 4. ITEMS FOR PUBLIC HEARING

a. OLD BUSINESS

- 1. Development Agreement - 3852, 3850, 3824, 3840, 3820, and 3800 N. Roosevelt Blvd (known as 3820 N. Roosevelt Blvd) – A Development Agreement for an approved Major Development Plan, Conditional Use and Variance for the Key West Resort in the General Commercial (CG) Zoning District, pursuant to Chapter 90,**

Article IX, Development Agreements, Code of Ordinances, City of Key West, Florida (RE# 00064950-000000, 00065550-000000, 00065530-000000, 00065540-000000, 00065060-000000, and 00064949-000000).

Mr. Klitenick asked for clarification on the difference between a development plan approval versus a development agreement. Mrs. Kimball-Murley explained that development agreements are optional agreements that allow the developer and city to identify phased development and associated commitments for large and complex projects. Development Plan approval is not optional and is required for all developments over certain thresholds. Mrs. Kimball-Murley also clarified that there have been no changes made to the site plan.

Mrs. Kimball-Murley then gave an overview of the development agreement application. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended the Development Agreement be approved.

Mr. Klitenick asked staff for clarification on what the State Statutes allow and LDR permit on the proposed 10 year term. Mrs. Kimball-Murley stated that the statute now allows a 20 year term but that the City's LDR limit the term to a maximum 10 year period. The maximum timeframe does not have to be granted. Mr. Erskine added that when our ordinance was first drafted it reflected the statute, but that changes to the statute have resulted in some inconsistencies.

Mrs. Kimball-Murley then read into the record comments from the following:

- Donna D'Amato, 3816 Cindy Avenue
- Ramona Black, 3820 Cindy Avenue
- Norma A. Sawyer

Mrs. Kimball-Murley stated that staff followed-up with Ms. D'Amato and Ms. Black regarding their concerns and that they appeared to be satisfied based on verbal feedback.

The following members of the public spoke on the matter:

- Ty Symroski, 2328 Staples Avenue

Board members reviewed and discussed the proposed agreement with the applicant and staff.

Motions to recommend approval of the Development Agreement was made by Mr. Gilleran and seconded by Mr. Root.

Motion carried by unanimous voice vote.

b. NEW BUSINESS

- 1. Amendment to Major Development Plan Approval – 3200 Duck Ave - Modification to an approved Development Plan for property located in the Poinciana Special Needs Housing Section (RE# 00064740-000000).**

Item postponed to the February 19, 2009 Planning Board Meeting.

- 2. Transient Transfer – from 2601 S. Roosevelt to 718 Duval Street – Transient license transfer from nonconforming property located at 2601 South Roosevelt Boulevard (MDR-C) zoning district to 718 Duval Street, located in the Historic Residential Commercial Core (HRCC-1) zoning district, per section 122-1339 of the code (RE#00065142-0001800 and 00016100-000000).**

Mr. Root disclosed that he was the general contractor for this property and Mr. Barroso disclosed that he has employment services with 718 Duval, which is 80% complete. Mr. Erskine stated that the approval or disapproval of the transient transfer should pose no conflict since neither project was dependent upon the approval request.

Mrs. Kimball-Murley gave an overview of the transient transfer request. She stated that 213 notices were sent to the property owners within a 300' radius, 21 were returned and no comments were received. Based on the criteria and intent of the Transfer Ordinance the Planning Department recommended the transient transfer request be approved.

Board members reviewed and discussed the request with the applicant and staff.

Motions to approve the transient transfer application was made by Mr. Allen and seconded by Mr. Gilleran.

Motion carried by unanimous voice vote.

- 3. Transient Transfer – from 904C Simonton Street to 718 Duval Street – Transient license transfer from nonconforming property located at 904C Simonton Street (HNC-1) to 718 Duval Street, located in the Historic Residential Commercial Core (HRCC-1) zoning district, per 122-1339 of the code (RE#00017460-000000 and RE# 00016100-000000).**

Mrs. Kimball-Murley gave an overview of the transient transfer request. She stated that 101 notices were sent to the property owners within a 300' radius, 6 were returned and no comments were received. Based on the criteria and intent of the Transfer Ordinance the Planning Department recommended the transient transfer request be approved.

Committee members reviewed and discussed the request with the applicant and staff. The applicant, Ginny Stones with Stones & Cardenas, clarified that the license is being transferred by the owner of the license and not the current property owner.

Motions to approve the transient transfer application was made by Mr. Gilleran and seconded by Mr. Allen.

Motion carried by unanimous voice vote.

ITEM 5. PLANNER'S REPORT

Mrs. Kimball-Murley informed members of items that will be discussed at upcoming Planning Board meetings such as changes to the HARC guidelines regarding pitched roofs as well as Single Family (SF) District LDR modifications.

Mrs. Kimball-Murley then informed members that the Planning Department is completing revisions to the BPAS in time for the January 22nd meeting with the expectation that DCA would complete their courtesy comments by January 16; however, if the comments are not forthcoming it may be necessary to postpone the January 26th meeting.

A general workshop with the DCA was then discussed as a means to update Board members on a variety of different topics, such as hurricane evacuation, the Area of Critical State Concern,. Members requested that the meeting be held in a conference room setting and encouraged public participation.

ITEM 6. ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

Submitted by,

**Carlene Cowart
Administrative Coordinator
Planning Department**