

Minutes of the Key West Planning Board

March 19, 2009

Approved April 16, 2009

Chairman Richard Klitenick called the Key West Planning Board Meeting of March 19, 2009 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, Barry Barroso, James Gilleran, Edward Gartenmayer, Michael Browning and Gregory Oropeza.

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.

Mr. Klitenick thanked Mr. Root for chairing the past two meetings. He also welcomed two new members to the Board, Mr. Michael Browning and Mr. Gregory Oropeza.

ITEM 2. APPROVAL OF AGENDA

A motion to approve the agenda 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 – February 19, 2009

A motion to approve the February 19, 2009 Planning Board Meeting minutes was made by Mr. Gilleran and seconded by Mr. Root.

Mr. Klitenick abstained from voting since he was not present at the February 19, 2009 meeting.

Motion carried by unanimous voice vote.

SO ORDERED.

b. Planning Board Special Meeting Minutes – February 26, 2009

A motion to approve the February 26, 2009 Planning Board Special Meeting minutes was made by Mr. Root and seconded by Mr. Gartenmayer.

Mr. Klitenick abstained from voting since he was not present at the February 26, 2009 meeting.

Motion carried by unanimous voice vote.

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SO ORDERED.

ITEM 4. ITEMS FOR PUBLIC HEARING

a. OLD BUSINESS

- 1. Variance Extension - 314 Virginia – An extension request in the Historic Medium Density Residential Zoning District for variances to side-yard setback requirements (RE# 00026010-000000).**

Mrs. Kimball-Murley informed members that the applicant has requested postponement until the May 21, 2009 Planning Board Meeting.

A motion to table the Variance Extension for 314 Virginia until the May 21, 2009 Planning Board meeting was made by Mr. Barroso and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

- 2. Exception for Outdoor Display – 912 Duval Street - A proposal to allow the display of merchandise in the Historic District for property with a zoning designation of High Density Residential/Commercial Core: Atlantic side (HRCC-3) as provided for under Sec. 106-51 and 52 of Key West Code (RE# 00017860-000000).**

Mrs. Kimball-Murley gave an overview of the Exception for Outdoor Display application. Based on the Section 106.5(1-5) of the City Code, the Planning Department recommends the request be approved for a maximum period of 48 months with conditions.

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

- Commissioner Barry Gibson
- Kent J. Henry, 806 Duval

The following members of the public spoke on the matter:

- Stuart Kemp, 915 Duval

The applicant, Noam Zano, was not present at the meeting.

Board members reviewed and discussed the proposed plan with staff.

Mr. Klitenick stated that he agreed with the comments submitted by the public and that the display was not harmonious in the area.

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Mr. Barroso expressed stated he would like to preserve the ordinance that is in place.

Mr. Root stated that the applicant has not been present at the last two meetings. Mrs. Kimball-Murley clarified that the applicant was out of the country during the first meeting; however, that staff communicated several times with the applicant on the time, date and location of the meeting.

A motion to deny the application since the factors favoring the exception in Section 106-52 are outweighed by the factors disfavoring the exception in the remaining section was made by Mr. Barroso and seconded by Mr. Gartenmayer.

Motion carried by unanimous voice vote.

SO ORDERED.

Mr. Gilleran then expressed his concern about placing conditions on approvals until such time there is a way to monitor how the conditions are being met.

b. NEW BUSINESS

- 1. Development Agreement – Poinciana Special Needs Housing Area off the 3200 block of Duck Avenue- A Development Agreement for a Major Development Plan and Conditional Use pursuant to the Code of Ordinances Chapter 90, Article IX, Development Agreements, for a 32,322 sq. ft., 50 unit rest home for AIDS HELP, Inc. on 7.66 acres of land in the Medium Density Residential (MDR-1) Zoning District. The Development is proposed at 35 feet in height (Re# 00064740-000000).**

Mr. Klitenick recused himself due to his volunteer work on the Board of AIDS Help and passed the gavel to Vice-Chair, Mr. Root.

Mr. Browning disclosed that he has a business arrangement with the applicant's representative, Mr. Owen Trepanier. Mr. Erskine stated that since that business arrangement was not a profit sharing situation that Mr. Browning did not need to recuse himself.

Mrs. Kimball-Murley gave an overview of the Development Agreement. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the approval of the application.

Board members reviewed and discussed the proposed plan with the applicant and staff. The Applicant's attorney, Mr. Ralf Brooks, stated that the City would be given an annual report on the status of the building process.

Mr. Erskine stated that language in the Development Agreement would need to be altered since City of Key West recently approved conveying the land to the Housing Authority. The Housing Authority will then lease the subject property within the Special Needs Section of the Poinciana Affordable Housing site to AIDS HELP.

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A motion to approve the Development Agreement was made by Mr. Browning and seconded by Mr. Barroso with a condition to modify the draft agreement to reflect the proposed leasehold to the Housing Authority.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 5. PLANNER'S REPORT

Mrs. Kimball-Murley informed members that the first hearing on the BPAS, height restrictions in the Single Family (SF) zoning district and proposed amendments to the HARC Guidelines were approved with no changes at the March 17, 2009 City Commission meeting.

Mrs. Kimball-Murley then updated members on the CRA Plan updates. There have been two meetings with the Bahama Village Redevelopment Advisory Committee (BVRAC) and one meeting with the Bight Board to discuss proposed plan updates. Those plans will be heard by the Planning Board prior to being heard by the Community Redevelopment Agency and City Commission.

Mr. Klitenick asked Mrs. Kimball-Murley how the Planning Department is doing staff wise. Mrs. Kimball-Murley stated that due to budget cuts, a senior planner position was now frozen and was expected to be cut.

Mr. Barroso inquired whether the City was planning on analyzing how height is measured to address FEMA requirements. Mrs. Kimball-Murley stated that a change to the baseline for height measurements would be examined as part of Comprehensive Plan updates.

Mr. Barroso then asked the status of the Piano Bar. Mr. Klitenick stated that this item cannot be discussed since the application was withdrawn.

ITEM 6. ADJOURNMENT

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

Motion was carried by unanimous voice vote.

SO ORDERED.

**Submitted by,
Carlene Cowart
Administrative Coordinator
Planning Department**