

Minutes of the Key West Planning Board

April 16, 2009

Approved May 21, 2009

Chairman Richard Klitenick called the Key West Planning Board Meeting of April 16, 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; 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; John Woodson, Building Official; HARC Planner, Enid Torregrosa; and Key West Planning Department staff, Rodney Corriveau, Ashley Monnier, Nicole Malo and Carlene Cowart.

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 – March 19, 2009

A motion to approve the March 19, 2009 Planning Board Meeting minutes 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. NEW BUSINESS

- 1. Variances – 920 Cornish Lane (RE 00007670-000000) – Variances for a non-conforming historic structure in the Historic High Density Residential zoning district for side yards, front yard and rear yard setback requirements per Sections 122-630 (6) a., b., and c., and per Section 122-28 (b) as it pertains to the 66% reconstruction value rule of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley gave an overview of the variance application. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

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

- Jesse Anderson, 612 Griffin Lane
- Kevin Melloncamp, 524 Grinnell

The Applicant, Dan Strosnider with Trepanier and Associates, and the owner, Gail San Morton, gave an overview of the application. Board members reviewed and discussed the variance application with the applicant and staff.

Mr. Gilleran asked for clarification on how the neighbors were contacted the second time.

Mrs. Kimball-Murley stated that the neighbors became aware of the project after there was HARC approval. The neighbors submitted a letter before a variance application was submitted. By the time we received the variance application, the project had been modified to reduce the second story in the footprint of the improvements. The applicant contacted neighbors adjacent to her property. The department also contacted the individual who was most concerned about the two-story structure approved by HARC and informed him that the application had been modified. Mrs. Kimball-Murley is unsure if an objection still exists.

Mr. Gilleran then asked Mr. Averette if the improvements would grant better access to the Fire Department. Mr. Averette stated that he has been to the site and that the improvements would indeed grant better access.

Mr. Klitenick complimented the owner on making modifications after receiving neighbor complaints as well as reducing the existing non-conforming structure.

Mr. Root commended the owner for saving a historic structure and removing the second story from the plans.

A motion to approve the variance application was made by Mr. Root and seconded by Mr. Browning.

Motion carried by unanimous voice vote.

SO ORDERED.

- 2. Variances – 721 Love Lane (RE 00008780-00000) – After-the-Fact variances to setback requirements for in-ground pool requirements per Section 122-1185 and to impervious surface requirements in the Historic High Density Residential zoning district per Section 122-630 (4) (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley gave an overview of the after-the-fact variance application. Based on the criteria established by the Comprehensive Plan and the Land Development

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Regulations, the Planning Department recommends the request for the after-the-fact variance be denied.

Mrs. Kimball-Murley then into the record the names of the people who signed the petition circulated by the applicant:

- Susan P. Meebler, 727 Love Lane
- William D. Workman, 722 Love Lane
- Joe Reichtek, 728 Love Lane
- Robert Martin, 728 Love Lane
- Brian Humphrey, 729 Love Lane
- S. Robbins, 730 Love Lane
- Robert Leily, 737 Love Lane
- Moody Lawrence, 717 Southard Street
- R. Shediak, 714 Southard Street
- Karl R. Lindquish, 712 Love Lane
- James H. Stentzel, 526 William Street, Apt 1

Board members reviewed and discussed the after-the-fact variance application with the applicant and staff.

Mr. Root asked John Woodson, Building Official, if he is comfortable with the inspection performed on the pool. Mr. Woodson stated that he is familiar with the inspector and comfortable with his work.

Mr. Root then asked Alan Averette, Fire Inspector, if the pool equipment located in the setback, is an issue for the Fire Department. Mr. Averette stated that moving the pool equipment will not create more room. They can get by the pool equipment but will have to climb over the air conditioning unit that is also located in the setback.

Mr. Root stated that he did not want to set a precedent for pool equipment to be allowed in the setback of any property.

Mr. Gilleran asked if this after-the-fact variance was brought about by a code complaint. Mrs. Kimball-Murley stated that an anonymous complaint was called into Code Compliance.

A motion to approve the after-the-fact variance application was made by Mr. Root and seconded by Mr. Gartenmayer.

Motion carried by unanimous voice vote.

SO ORDERED.

3. **Variations – 1310 Fifth Street (RE 0048970-000000) – Variations for a non-conforming lot in the Single Family zoning district for the 66% reconstruction rule per Sections 122-28 (b), and for maximum dimensional setback requirements for**

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rear yard and front yard setbacks per Section 122-238 (6) a (1) and (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mrs. Kimball-Murley gave an overview of the variance application. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

Mrs. Kimball-Murley then stated that 55 notices were sent to surrounding property owners within a 300' radius; 1 notice was returned and 1 comment received.

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

- Marta Cabaleiro, 2311 Fogarty Avenue

The Applicant, Carlos Rojas, gave an overview of the project. Board members reviewed and discussed the variance application with the applicant and staff.

Mr. Oropeza asked staff for clarification if the applicant would need a variance to add a split level or an additional story. Mrs. Kimball-Murley stated that they would have to look at the specific elements of a proposal to determine if a dimensional variance would be needed.

Mr. Browning asked staff that given the criteria of the 66% rule, with the existing 8' rear setback, if the applicant built up, it is possible that he would still need a variance due to site improvement costs. Mrs. Kimball-Murley agreed that, the applicant would still require a variance in that scenario

Mr. Browning then asked Mr. Erskine for clarification if this property was a vacant lot, would they still require a variance for any project. Mr. Erskine stated that if the applicant placed the front entrance facing Harris Street, then the whole configuration with the setbacks change. The Fifth Street entrance would be a mitigating factor.

Mr. Klitenick asked staff for clarification if the alley was a utility easement or an emergency access. Mr. Erskine stated that he cannot tell by the site map if the alley is a utility easement.

A motion to approve the variance application was made by Mr. Browning and seconded by Mr. Barroso.

Motion carried by unanimous voice vote.

SO ORDERED.

- 4. Major Development Plan – 105 & 115 Truman Avenue, 915 Fort Street, 920 Emma Street (RE# 00015390-000000) - Redevelopment of the 44- unit Roosevelt Sands Jr. Housing Complex in the HMDR Zoning District per Section 108-91 (2.)**

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(a.) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mrs. Kimball-Murley gave an overview of the major development plan. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends approval of the major development plan. In addition, the requested right-of-way waiver/modification reducing the minimum standards for landscaping along the right-of-way be approved in reference to the provided site plan, but not in reference to the provided landscaping plan, for the project is recommended for approval.

The project architect, Bill Horn, stated that they had a funding deadline of June 26, 2009. He stated that the site plans are very similar to Roosevelt Gardens. The project would be done in three phases. All drainage would be done on site.

Manuel Castillo, Housing Authority Executive Director, stated that this was an application the City of Key West submitted for the Community Workforce Housing Initiative. This was the last year the application could be submitted or the money would be given to Monroe County.

Board members reviewed and discussed the major development plan with the applicant and staff. Due to time restraints, Mr. Horn asked that the application move forward without the on street parking shown on the site plan. Members requested that the revised site plan without onstreet parking be referenced in the approval to avoid any confusion.

Mr. Root asked that the landscaping plan include more mature plants. Mr. Horn stated that he would look into it.

A motion to approve the major development plan with the landscape waiver and the submission of the revised site plan without onstreet parking (to be labeled A1A) was made by Mr. Gartenmayer and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

- 5. Variance – 105 & 115 Truman Avenue, 915 Fort Street, 920 Emma Street (RE# 00015390-000000) - Variances for impervious surface ratio, parking, front and rear setbacks, and open space for redevelopment of the 44-unit Roosevelt Sands Jr. Housing Complex in the HMDR Zoning District, per Sections 122-600 (4.) (b.); 108-572 (2.) (b.); 122-600 (6.) (a.) and (b.), and 108-346 (b.) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley gave an overview of the variance application. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for the parking variance be approved and the setback, impervious surface and open space variance be denied.

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Mr. Klitenick stated that his only concern was the separation of the buildings in regards to fire safety. Mr. Averette motioned no concern.

Board members reviewed and discussed the variance application with the applicant and staff.

A motion to approve the parking variance was made by Mr. Root and seconded by Mr. Gartenmayer.

Motion carried by unanimous voice vote.

A motion to approve the setback, impervious surface and open space variance was made by Mr. Browning and seconded by Mr. Gartenmayer.

Motion carried by unanimous voice vote.

SO ORDERED.

ITEM 5. PLANNER'S REPORT

a. Discussion of conditional approval approaches

Mrs. Kimball-Murley discussed with members conditional approvals and enforcement. Mrs. Kimball-Murley stated that she has met with Mr. Erskine and other members of City Staff to see how we can approach annual reporting requirements as well as enforcement and possible approval revocation when conditions are not met. Current code requirements for conditional use enforcement and overall code compliance were outlined.

Members discussed having the applicant provide an affidavit stating they are meeting conditions on an annual basis.

Mr. Erskine clarified the direction of the Board is to see something that will be procedural and mechanical which will require anyone who gets a conditional use going forward, to be reviewed on an annual basis. The applicant that received the conditional use has to affirm that they are in compliance. If it is determined that the applicant is not complying with the conditions, what would be the mechanism not just for enforcement but for taking action against that person's conditional use.

Members are in agreement that Mr. Gilleran will meet with City Staff to further discuss how conditional use approvals can be enforced.

b. Ordinance adoption status

Mrs. Kimball-Murley gave members an overview of the status of amendments. She stated that the Single Family Height Ordinance and the change to HARC procedures

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passed the second City Commission reading. She also stated that the second reading for the BPAS was tabled until the May 5, 2009 meeting due to a last minute letter submitted by an attorney.

Mr. Gilleran requested that a copy of the attorney letter be provided to the Board.

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.

Meeting adjourned at 8:20 pm.

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