

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

**May 21, 2009**

**Approved June 18, 2009**

Chairman Richard Klitenick called the Key West Planning Board Meeting of May 21, 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 and Gregory Oropeza.

**Excused absence:** Michael Browning

**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 and Carlene Cowart.

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

Mr. Klitenick recused himself from approving the change in the agenda since his client is the owner of 19 Hilton Haven Drive. The gavel was then passed to Mr. Root.

Mrs. Kimball-Murley stated that the applicant for 19 Hilton Haven Drive has requested the item be tabled to the June 18, 2009 Planning Board meeting.

A motion to approve the agenda and table Item 4a3 until the June 18, 2009 Planning Board meeting was made by Mr. Barroso and seconded by Mr. Gilleran.

Motion carried by unanimous voice vote. Mr. Klitenick abstained from voting.

SO ORDERED.

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

### **a. Planning Board Meeting Minutes – April 16, 2009**

A motion to approve the April 16, 2009 Planning Board Meeting minutes was made by Mr. Gartenmayer and seconded by Mr. Oropeza.

Motion carried by unanimous voice vote.

SO ORDERED.

## **ITEM 4. ITEMS FOR PUBLIC HEARING**

### **a. NEW BUSINESS**

- 1. Variance - 1411 Eliza Street (RE# 00034240-000000) - Variances to building coverage percentage, variances to side yard setbacks, and street-side setback**

# Minutes of the Key West Planning Board

May 21, 2009

Approved June 18, 2009

**requirements for property in the Historic Medium Density Residential (HMDR) Zoning District per Section 122-600 (4) a, 122-600 (6) b, and 122-600 (6) d of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley stated that 70 notices were mailed to property owners within 300' radius; 0 were returned and 10 comments were received.

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

- John McKenzie and Melinda Janous, 1400 Virginia Street
- Patrick and Rosalinda Rahe, 1320 Eliza Street
- Maxine Wheelan, 1413 Eliza Street
- Linda Drake and David Stansfield, 1319 Eliza Street
- Shirley Tiffany, 1119 Florida Street
- Susan Overton, 1430 Eliza Street
- Doug and Jean Gregory, 1109 Georgia Street
- James Din Allen, 1400 Catherine Street
- Gretchen Brown
- Ray Allen Schoneck, Jr

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.

The Applicant, Stephan Wischerth, thanked staff for all of their help with the application process.

Board members reviewed and discussed the variance application with the applicant and staff. Mr. Barroso asked the applicant for clarification on the utility room. The applicant stated that the utility room existed on site. Mr. Klitenick verified the utility room was on the site survey.

A motion to approve the variance application was made by Mr. Gilleran and seconded by Mr. Gartenmayer.

Motion carried by unanimous voice vote.

SO ORDERED.

2. **Variance - 326 Amelia (RE# 00026210-000000) - Variances for rear yard setbacks in the Historic Medium Density Residential (HMDR) zoning district per Section 122-600 (6) c of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

# Minutes of the Key West Planning Board

May 21, 2009

Approved June 18, 2009

Mrs. Kimball-Murley stated that 89 notices were mailed to property owners within 300' radius; 6 were returned and 2 comments were received.

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

- Ehring William Edward, 1102 Whitehead Street
- Deborah Jane Warner, 1114 Whitehead Street

Mrs. Kimball-Murley gave an overview of the variance application for construction of a modular home to replace a single-family home destroyed by Hurricane Wilma. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be denied.

The owners, Commissioner Clayton Lopez and Mrs. Pam Lopez, as well as the applicant, Chris Fogarty, were available for questions.

The following member of the public spoke on the matter:

- Jim Evans, 1114 Whitehead Street

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

Mr. Klitenick asked staff if the variance was required due to the choice of material of the modular home. Mrs. Kimball-Murley stated that modular home combined with the rear-yard setback necessitated the variance.

Mr. Barroso clarified that even though the modular home is longer, the total square footage appears to be the same. Mrs. Kimball-Murley concurred.

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

Motion carried by unanimous voice vote.

SO ORDERED.

- 3. Variance Extension - 19 Hilton Haven Drive (RE# 00002180-000000) – Extension of approved variances for impervious surface regulations in the Medium Density Residential (MDR) zoning district per Section 122-270 (4) b of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

This item has been postponed to the June 18, 2009 Planning Board meeting.

- 4. Conditional Use - 417 Southard Street (RE# 00010040-000000) - Conditional Use application for the proposed rental of 5 motorcycles, 15 scooters, 10 bicycles and 2**

# Minutes of the Key West Planning Board

May 21, 2009

Approved June 18, 2009

## **electric cars in the Historic Residential Commercial Core (HRCC-1) zoning district per Section 122-688 (17) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley stated that 66 notices were mailed to property owners within 300' radius; 0 were returned and 10 comments were received.

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

- Gerald R. Mosher, Marmoe LLC, 607 Duval Street
- Gary Kelley, Moe's Barber Shop, 609 Duval Street
- John Vagnoni, Green Parrot Bar, 601 Whitehead Street
- David W. Freeman, Porter-Allen Company, 513 Southard Street
- Scott Morris, Meteor Smokehouse, 404 Southard Street
- B G Carter, Independent Mortgage & Finance, 600 Whitehead Street
- Stella Glander, Scooter Rental Project, 534 ½ Duval Street
- Owen Trepanier, Trepanier & Associates, 402 Appelrouth Lane
- Ana Sanig, Kino Sandals, Inc, 424 Southard Street
- Richard Wunsch, 614 Whitehead Street

Mrs. Kimball-Murley gave an overview of the conditional use application. Mrs. Kimball-Murley noted that the applicant has removed vehicles from the City's right-of-way. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends conditional approval as follows:

- Storage of vehicle inventory on the City Right-of-Way is strictly prohibited without an easement agreement between the applicant and the City.
- All transactions for, and storage of, bicycles, scooters, motorcycles and electric cars shall occur in the portion of the building within the HRCC-1 zoning district.
- Parking of electric cars at Clinton Square is prohibited.

The applicant, Victor Mills, was available for questions.

Board members reviewed and discussed the conditional use application with the applicant and staff.

Mr. Klitenick asked staff for clarification of the City's position on how separate zoning districts on a single parcel are addressed since he didn't think that the staff report's treatment of the two zoning districts on one site was consistent with his understanding of the law and City precedent and thought that it presented a logistical problem for the applicant.

Mr. Root asked that a single Future Land Use Classification and Zoning District be considered for the site when the Comprehensive Plan is updated.

# Minutes of the Key West Planning Board

May 21, 2009

Approved June 18, 2009

Mr. Barroso asked applicant where training will be held. Mr. Mills stated that training will be held on the right-of-way. Mr. Barroso asked Mr. Mills to confirm his intention to operate the use in accordance with the conditions and Mr. Mills confirmed this.

A motion to approve the conditional use application with the conditions requested by staff was made by Mr. Root and seconded by Mr. Barroso.

Motion carried by unanimous voice vote.

SO ORDERED.

## ITEM 5. PLANNER'S REPORT

### a. Update on Approach to Monitoring and Enforcement of Conditions

Mrs. Kimball-Murley gave members an overview of a meeting she held with Jim Gilleran, Larry Erskine, Jim Young, and Carolyn Walker regarding monitoring and enforcement of conditions. The group was in agreement of the following:

- Monitoring and enforcement should be through ordinance modification
- Issue a regulatory permit to the applicant
- Annual inspection by Code Enforcement
- Modest fee will be charged to the applicant
- Enforcement outside of annual inspection will be reported to the City Manager
- Conditional Use approval shall be revoked by the City Manager upon findings and order by the special magistrate per Section 2-641 of the Code of Ordinances or by a determination of a court of competent jurisdiction per Section 122-63(f), that any condition of this approval has been violated

Members discussed the recommendations. Staff will move forward and draft an ordinance for members to review.

### b. Update on Ordinances

Mrs. Kimball-Murley gave members an update on the following ordinances:

- Single Family District Ordinance was passed by the City Commission and received DCA determination on May 1, 2009.
- Modification to HARC guidelines was passed by the City Commission and received DCA determination on May 1, 2009.
- BPAS Amendment Ordinance passed the City Commission with slight changes and we are still waiting for the DCA order.

Mr. Klitenick asked staff if there had been any criteria established for allocating units that have been identified as available in the City. Mrs. Kimball-Murley stated that in

# Minutes of the Key West Planning Board

May 21, 2009

Approved June 18, 2009

order to meet our comprehensive plan policy, 30% of the units need to be allocated for affordable housing.

**c. Update on CRA Plan Updates**

Mrs. Kimball-Murley informed members that CRA plan updates will be ready for member review in about 3 months. The last plan for Bahama Village was updated 11 years ago, and 12-13 years ago for the Caroline Street Corridor.

**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 7:25 pm.

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