



Karen DeBerjeois <kdeberje@keywestcity.com>

707 Catherine Street (RE#000030650-000000) VARIANCE

1 message

candace block <candyblock@comcast.net>
To: kdeberje@keywestcity.com

Mon, Dec 10, 2012 at 12:52 PM

Dear Ms. De Berjeois:

I reside and own my home located at 702 Catherine St. I am also preident of The Gato Village Homeowner's Association. Gato Village is comprised of 3 homes on Catherine St, two on Calais Lane and 4 homes on Virginia street. I am writing to you to express my strong individual disagreement, as well as that of my Home Owner's Association 's disagreement to the requested variance for the parking spaces.

The 700 block of Catherine Street is residential with the exception of Suburban propane. However, traffic flows in both directions on this street and supports parking and traffic for a number of businesses in the area (Camilles, the Bottlecap, the bank, etc.) Any new business should be required to have parking availabe for its customers. This is particularly true of a day care center as parents will need to stop and properly seat their children in their vehicles. It would be extremely dangerous for this to occur on the street . It would also be very disruptive to those of us living on this street.

Thank you,

Candace M. Block

DADD, NELSON & WILKINSON

A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEYS AND COUNSELORS AT LAW

11 Exchange Street
Attica, New York 14011
(585) 591-1100
FAX (585) 591-1722

302 Southard Street, Suite 207
Key West, Florida 33040
(305) 296-1116
FAX (305) 292-2144

edadd@daddandnelson.com

December 20, 2012

Chairman Richard Klitenick
and Board Members
City of Key West Planning Board
604 Simonton Street
P.O. Box 1409
Key West, FL 33041

Re: 707 Catherine Street, Key West, Florida
Proposed Forty-Eight (48) Client Daycare Center

Honorable Planning Board Members:

I write today on behalf of Ann Dadd, a Florida resident who resides at 701 Catherine Street, Key West, Florida, and myself.

As the Planning Board is aware, Key West City Code §122-62 sets forth the criteria for approval of a conditional use in the Historic Medium Density Residential District ("HMDR") where the subject property is located. A landowner does not have a "right" to a conditional use approval, rather, it is the Planning Board which must weigh the factors set forth in City Code §122-62 to determine if a conditional use approval is appropriate.

In considering whether a forty-eight (48) client daycare center is compatible with the Catherine Street neighborhood in the immediate vicinity of 707 Catherine Street, Key West, Florida ("707 Catherine Street"), it is clearly necessary to acknowledge the existence and impact on the neighborhood of the following uses in the same block of Catherine Street and in the block immediately to the west.

Chairman Richard Klitenick
and Board Members
City of Key West Planning Board
Page 2
December 20, 2012

Suburban Propane (50±' from Site)

▪ Specifically, the subject property is directly across the street from the Suburban Propane facility which is a significant commercial use grandfathered into the HMDR District. Suburban Propane's operations involve a significant truck traffic load with multiple trips ingressing and egressing its storage facility directly across the street from the subject property. I find nothing in the application nor the Planning Staff's Report evaluating, considering or in any way measuring the traffic load on Catherine Street generated by the operations of Suburban Propane.

"AIDS" Help Apartments/Rest Home (75±' from Site)

▪ The "AIDS" Help Rest Home. As the Planning Board will recall, AIDS Help successfully argued that its then planned housing development for AIDS patients should be considered as a "rest home" under the Key West City Code and, therefore, entitled to substantial liberalized density limits which not only dramatically increased the number of "units" permitted but also generated the need for additional parking which was the subject of a further variance. Whatever the proper definition of a "rest home" may be, the reality on the ground is that the AIDS Help Rest Home turned out to be individual apartments which were financed by a grant intended for the homeless, and the current use of the property as noted in the Planning Staff Report in unquestionably "apartments" which generate traffic and require parking which was not considered in the present application or Staff Report.

First State Bank Parking Lots (200±' from Site)

▪ The block immediately to the west between Calais Lane and Simonton Street and no more than two hundred (200) feet from the subject property is almost entirely occupied by commercial parking lots. These lots serve the First State Bank and immediately adjacent to these lots is an additional lot for the Centennial Bank. Traffic in and out of these lots creates a significant two way load on Catherine Street throughout the day and the western end of Catherine Street where the subject property is located is substantially impacted by this traffic.

Chairman Richard Klitenick
and Board Members
City of Key West Planning Board
Page 3
December 20, 2012

The Cumulative Traffic Impact on Catherine Street must be Considered

▪ There is nothing in the application and nothing in the Staff Report which measures, analyzes or considers the actual impact of increased traffic on Catherine Street occasioned by adding a forty-eight (48) client daycare center to the 700 block. The Planning Staff's consideration of "traffic" was limited to a perfunctory discussion apparently based on a traffic manual of some kind. There has been no analysis of the cumulative impact of the traffic generated on the 700 block of Catherine Street and blocks to the east on Catherine Street from further commercialization of the 700 block. It is ironic that the Planning Staff's discussion of "compatibility" appears to suggest that because there are commercial uses in this particular section of Catherine Street, that another commercial use within seventy-five± (75±) feet of the AIDS Help apartments and fifty± (50±) feet of Suburban Propane's main gate and approximately two hundred± (200±) feet from two (2) large parking lots is somehow compatible with HMDR District.

The proposed use of 707 Catherine Street as a daycare center will (a) significantly add to the commercialization of the 700 block of Catherine Street which is already incompatible with the primary residential use contemplated in an HMDR District, (b) there is no meaningful information before the Planning Board regarding the impact of the increased traffic flow on Catherine Street which will clearly be generated by the proposed use, (c) there appears to be little or no consideration for the safety of the clients of the daycare center, the pedestrians who routinely walk up and down Catherine Street and in particular those pedestrians walking to the El Siboney Restaurant, (contrary to the information submitted by the applicant, there is no sidewalk on Catherine Street) and (d) most importantly, there appears to be no consideration of the cumulative congestive impact on the 700 block of Catherine Street occasioned by this commercial use.

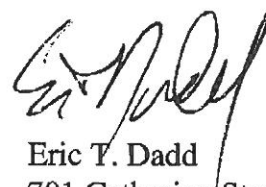
Chairman Richard Klitenick
and Board Members
City of Key West Planning Board
Page 4
December 20, 2012

We respectfully request that the Planning Board decline to issue the conditional use approval sought in the pending application for a daycare center at 707 Catherine Street.

Sincerely,

DADD, NELSON & WILKINSON

by



Eric T. Dadd
701 Catherine Street
Key West, FL 33040

ETD/lmz



Karen DeBerjeois <kdeberje@keywestcity.com>

Fwd: 707 Catherine St. - Daycare Parking Variance

1 message

george halloran <geohalloran@gmail.com>
To: kdeberje@keywestcity.com

Thu, Dec 20, 2012 at 9:08 PM

Hello again Ms. Deberjeois - My original message included five points. The one I forwarded to you this afternoon may not have contained the full email. So here it is, minus the comment about a lack of sidewalks on Catherine. We appeared at the Planning Board meeting and were told 707 Catherine had been postponed. Thanks for your time.
George

----- Forwarded message -----

From: george halloran <geohalloran@gmail.com>
Date: Thu, Dec 20, 2012 at 1:35 PM
Subject: 707 Catherine St. - Daycare Parking Variance
To: kdeberj@keywestcity.com

Hello Ms. Deberj - Please make the following letter part of the record in your deliberations Dec. 20, 2012.

My wife and I are writing to let you know we oppose the variance for a daycare center at 707 Catherine St. We have owned the property at 700 Amelia St. for nearly a quarter-century and built a home there which we currently use for monthly and long term residential rental.

1. The application advises a "slight increase in traffic" will occur. We believe the potential for 48 parents to drop their children off at morning arrival time and 48 parents picking up their children at close of day will create time periods of traffic clogging both Catherine and Amelia, both of which have extensive foot pedestrian and bicycle traffic. We foresee safety issues here.

Marcia and I have dropped off our children at daycare centers over the years, and continue to do so with our grandchildren, and observed the daily traffic problems at daycare centers with many more parking spaces than will be available at this location. The non-binding plan to have parents drop their children off at intervals over several hours seems unrealistic since working parents generally need childcare during normal working hours. The site plan show three spaces for drivers in the rear, plus an ADA space. In the front, there is only a loading zone for ADA drivers. There is no justification for reducing the required parking from 28 spaces to what is shown.

2. The application says the surrounding uses are "largely commercial" and mentions "the steam plant and railway development." Perhaps someone had the wrong map out - there is no such development in the area. The block inside the boundaries of Catherine, Calais, Amelia and William does not have any commercial uses at all. This is an entirely residential block, with some residential also on the opposite

side of Catherine, all of the opposite side of William, and nearby on Amelia at both ends.

The idea that nearby activities in adjacent blocks (gas company, bank parking lot, historic church and school with an existing childcare center) justifies breaking into our block with a commercial activity that will generate traffic not associated with residential living is not supported in any planning document in this variance.

3. The application says the children will be inside "most of the time," but will play outdoors "between the buildings under a roof covering," and indicates this is the "solution statement" to any noise problems. Yet the site plan shows a large space at the rear of the property to be an "open play area." We disagree that there is no potential for a noise problem.

4. 707 Catherine has been a good neighbor over the years, with two modest dwellings and generally quiet tenants. We do not agree the changes proposed "will greatly improve the property." From a planning standpoint it will remove low income housing, vitally needed in Key West, and replace it with an activity requiring a variance that is not truly compatible in this location.

5. We are concerned about what other development could occur if this property is granted this parking variance. Would the variance be tied only to the childcare center, or would it continue under the next owner, allowing uses of greater density? As mentioned in the application, there is already a very dense residential use in place next door at 711 Catherine - a multi-unit Homeless/Aids Help residential living center. I believe that property has a reversion clause that cuts the density back to what it would normally be in this residential zone. Will there be such a clause in this proposed variance? And are such clauses even enforceable?

We have not been contacted by the applicant, nor were the current tenants at our property contacted.

Please count us as opposed to this variance.

Sincerely, George and Marcia Halloran 16-B Hilton Haven Dr.
Key West FL 33040 296-6108

Letter to the Key West Planning Board re 707 Catherine St. Variance 1/9/13

Hello Ms. DeBerje –

The variance above will be heard January 17th, and unfortunately my wife and I cannot attend as we will be out of town that night. We wanted to add one more comment to the letter we wrote last week.

The variance application contains 7 requirements, each of which must be met by the applicant in order for the planning board to approve. It is clear that most of the requirements have not been met. This would appear to make approval impossible.

The most important factor to us is the safety to pedestrians and bicyclists on both Catherine and Amelia. We have grandchildren and other family members who frequent the area, and whose safety will be diminished if this variance is allowed.

The lack of sidewalks in the vicinity of the proposed daycare facility make it necessary for pedestrians to walk in the street. The nearby bank parking lot, the County Health Dept. parking lot, the nearby restaurants and the presence of large delivery trucks which use Amelia as a shortcut all combine to create a potentially dangerous situation.

Adding the possibility of 48 dropoffs and 48 pickups at morning rush hour and evening rush hour (yes, we actually do have rush hours here in little Key West) cannot be a wise choice for the Planning Board, and we do not think it is legal. Locating a new daycare center in a residential area with existing high traffic flow cannot be a safe choice for the existing residents, passersby, or the new students and their parents.

We ask you to reject this application. George and Marcia Halloran, owners of 700 Amelia St., two doors down.

By the way, we have still not been contacted by the applicant.



Monday, Jan 14th 2013

To whom it may concern:

We have lived at 706 Amelia Street since 1986. We are familiar with who Alvin Crockett is. We were informed that there is a project for a daycare at his property, on 707 Catherine St. We are the immediate neighbors on the rear side of the property and we have absolutely no concerns or issues with the project.

Raymond Russell
Raymond Russell
Celeste Russell
Celeste Russell

706 Amelia St.
Key West, FL 33040