

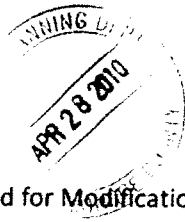
Public Comment

Nicole Malo

From: deankeywest@aol.com
Sent: Wednesday, May 19, 2010 3:41 PM
To: Carlene Cowart; Nicole Malo
Subject: 512 Greene Street Ernesto's bar



Dear Carleen, Nicole & Planning Board members,
I am sorry I am unable to attend the 5/20 planning board meeting. Paul Hayes will be attending the meeting representing our interests.
I previously e-mailed with objection to the outdoor consumption area of Ernesto's Bar at 512 Greene Street. On 5/9 Mr. Matthew McCarthy e-mailed stating they were withdrawing the request for outdoor consumption. Based on this statement I no longer object to the remaining revisions of development agreement IF there is language within the agreement specifically stating there will be no outdoor consumption or outdoor music allowed now or in the future. I have not yet seen any revisions to the application and without this specific language I cannot withdraw my objections to the project.
There are also some inconsistencies on the revised plan. Even though the parking area now shows that it enters and exits on Ann Street, I do not see any sort of fence or barrier between the two parking areas that would prevent cars from passing thru from Simonton Street to Ann Street. In fact it indicates "future landscape area" as though it is still open. Also, the text of the applications says; "The large trees installed along the parking area will remain with parking spaces spread between them" while the landscape plans shows they are being removed. Owen had mentioned the shrubs that were being removed were going to be replanted on the other side of the fence. I hope this is still a requirement as any plant material will aid as a buffer between the properties.
Thank you in advance for your attention to these issues.
Dean Carlson
305-304-1203
DeanKeyWest@aol.com



Dear Planning Board members,

I am asking you deny the changes requested for Modifications to the Major Development Plan and Variance request at 512 Greene Street.

My partner, family and I own 3 properties at 217-R, 219-1 and 219-9 Ann Street. One of these properties is where my mother, Doreen Carlson lives as a permanent year round resident.

Last year we **did not** oppose this project at the city commission phase because we reached an agreement with the project representatives at the planning board stage on 4 items of concern. 3 of these items agreed to by the property owner are now eliminated by the request for modifications to the major development plan and variance request that is now before you.

The items and our concerns are:

1. We asked and they agreed to the trash pick-up being on Simonton St. and not Ann St. Additional trash pickup on Ann Street will contribute to the already large amount of trash pickup noise and odor. (Commercial is on different days from residential). The property owner agreed to an 8' easement across the parking lot to Simonton Street for trash pick-up. (Please do not confuse this 8' easement agreed to with the additional 24' easement the city commission ask for.) Also the new revised location for the trash puts it @ 50' form the compound pool and patio area. In speaking to Waste Management I was told that the style of trash and recycle container, either tote of dumpster, as well as pick-up location could be chosen by the property owner.
2. We asked and they agree to have all traffic exit onto Simonton Street and not Ann St. By making the drive way and parking area 2- way we are concerned that Ann Street will become the exit for the Simonton Street parking lot, increasing the volume of traffic on a small, narrow and already busy street. Also in order to attempt to meet the requirements for the width required for 2 way traffic and parking, all of the new plant material that has been installed as the buffer along the fence line is going to be removed.
3. We asked and they agreed to **no music or outdoor consumption**. This is our biggest concern. The courtyard directly faces the compound and any outdoor activities will have a potentially devastating effect on our properties. By design all doors and windows of the bar facing Greene and Ann Street are wooden (no glass) and during business hours the bar will literally be "open air". Were asking that the agreement **specifically prohibit any outdoor consumption, amplified or live music outdoors and that all exterior doors facing south east be kept closed at all times**. This hopefully will keep the noise inside the bar from caring across to our compound and beyond.

Last year the property owner agreed to accommodate these requests. The city commission took this agreement one step further to protect the residences by requesting an easement. The bar could be open if they had met the requests of the city commission. The property owner is choosing not to meet this request, therefore the bar has yet to open. Keep in mind, while both of the properties are owned in

different LLC's the same person is principle in both properties and therefore could meet the easement requirement.

We realize we are in the middle of a commercial area but the use and changes being requested are non conforming, conditional uses for this property. We request you deny the changes to the major development plan before you.

Thank You for your consideration.

Dean Carlson

DeanKeyWest@aol.com

305-304-1203 cell

Nicole Malo

From: Carlene Cowart
Sent: Thursday, April 29, 2010 10:16 AM
To: Deankeywest@aol.com
Cc: Nicole Malo
Subject: RE: Fwd: Planning Board Re: 512 Greene St.



Hi Dean.

I am sorry I didn't respond sooner, I was out of the office yesterday. The applicant has requested the item be tabled until the May 20th meeting.

Your comments will be distributed to Planning Board members.

Thank you.

From: Deankeywest@aol.com [mailto:Deankeywest@aol.com]
Sent: Wednesday, April 28, 2010 11:23 AM
To: Carlene Cowart
Subject: Fwd: Planning Board Re: 512 Greene St.

Hi Carlene,
Below is another letter we would like to have added to the planning Board packet.
Thank You,
Dean
305-304-1203 cell
DeanKeyWest@aol.com

From: lfmallard@comcast.net

April 20, 2010

The Planning and Zoning Commission of Key West
Key West, Florida 33040

Dear Commission Members,

As the owners of 213 Ann Street, a home in the Ann Street Compound, we kindly ask that you allow Mr. Dean Carlson of our homeowners' association to represent our interests during the special planning meeting on 4/29/2010.

Our residential compound of six homes is surrounded on all sides by commercial interests which adversely affect the peace and enjoyment of our properties.

We did not oppose Dr. Braun's original development plans because they appeared to be sensitive to our proximity. However, we **STRONGLY OBJECT** to the new requests for significant changes in the plan.

The changes requested will affect traffic on Ann Street and add commercial trash pick-ups directly onto Ann Street. The removal of an already planted landscape buffer is a significant change. Additionally, the new request for outdoor consumption and music in the courtyard facing our compound is sure to change the character of our neighborhood.

Sincerely,

Walter and Dawn Szot
Donna Barrett and Leo Mallard
Cell: 301-943-8457

Suzanne Dowling
Manager
Curry Mansion Inn
511 Caroline St.
Key West, FL 33040



Planning Commission and Dept.:

We are still as concerned about how this new bar will affect our Bed and Breakfast as we were in the beginning of this process. Actually we are now more concerned since most of the conditions previously required and agreed upon by your Commission and the land owner (representatives) have not been met and are now being dropped from the application.

It is hard to understand how this project has been able to come back to the Commission , after building exactly what it wanted, and now ask to change every agreement it had made with the neighbors and Planning Commission.

The conditions previously set by the Commission that most concern the Curry Mansion are traffic and noise. We occasionally receive complaints from our guests about the noise generated by hundreds of glass bottles being dumped throughout the night from small containers inside the bars located behind Old City Hall into a larger metal container, located behind our guestwing. In the early morning twice a week the rolling dumpster garbage pick up truck comes and dumps thousands of bottles which makes enough noise to wake the dead. We have to live with this existing disturbance but would hate to see an increase in the number of times a week garbage truck comes down Ann St. to service this new bar. All of these existing businesses have rolling dumpsters. On the days of residential pick up the noise level is much less. If this bar is allowed to use residential cans, then I assume the noise level would be much greater a couple of times a week. It would be 4 or 5 cans worth of dumping bottles, who knows how many times a week, instead of one rolling dumpster. We are concerned about future uses for this property. Food service is not currently being requested but may be in the future which would greatly increase the volume of garbage.

Condition #3 relates to trash and recycling containers being relocated to the east side of the property and being picked up on Simonton Street. One of the Commissioners suggested an easement to allow for a path be made to move the trash containers to Simonton St. to which Mr. Trepanier and Mr. Brawn's (the land owner) attorney, Mrs. Susan Cardenas stated that the owner would record an easement. I believe a width of 8 feet was mentioned.

This has not happened. At the City Commission meeting, this small simple garbage container easement somehow morphed into a 2 lane road with the garbage easement. I can understand Mr. Brawn not wishing to sign away the 32 feet suddenly required. But

I do have some doubts whether Mr. Brawn ever meant to comply with this condition to which his representatives agreed.

I drive by this project every working day and have seen the development. I was watching closely for the pathway to be laid out towards Simonton St. The walkways were framed and poured for the entire site before the City Commission meeting and there was never any sidewalk framed to facilitate rolling the garbage containers to Simonton St. I believe at the previous Planning meeting that we were all picturing a rolling dumpster, which Mr. Trepanier stated that Waste Management preferred, which would be more efficiently rolled along concrete than the dirt and gravel in the parking lot. If Mr. Brawn had ever considered using Simonton St. this concrete path would have been necessary whether the bar uses residential containers or a rolling dumpster.

The City Commissioners felt that a dump truck needed to be able drive into and across the half block of parking lot off of Simonton St. to pick up the dumpster, and cars exiting the parking lot would need to be able to come out the drive at the same time; and suddenly 2 lanes were needed. Maybe the siteplan they were looking at did not show the 8 foot easement to Simonton St. where the cans/dumpster could be rolled onto the sidewalk for early AM pickup. It was obvious that there were some confusion as to what the City Commissioners were looking at on the siteplan submitted to them. The need for a 2 lane street to allow 5AM garbage pickup is not necessary.

When I heard that the project was coming back before the Planning Commission to change the parking lot and location of the garbage pickup I called Mr. Trepanier to suggest he ask Mr. Brawn that he simply work toward the original agreement with the Planning Commission. Mr. Trepanier stated there is no direct communication between himself and Mr. Brawn, but Brawn has communicated through other representatives now that he will not agree to the previous conditions.

The change in parking is also a concern of ours, the suggestion of cars being able to park and drive in both directions in and out of one narrow driveway and adding additional parking in that very small area is as ridiculous as needing a two lane street off of Simonton.

A compromise could be made that would allow fencing off the parking lot but granting the small easement for garbage pickup off of Simonton St. I wish the Commissioners involved in Planning and City could come by the site and see for themselves easily the neighbors and business could compromise.