

# **Development Review Committee Minutes**

## **October 23, 2014 DRAFT**

City Planner, Don Craig called the Development Review Committee meeting of October 23, 2014 to order at 10:05 AM at Old City Hall in the antechamber at 510 Greene Street, Key West.

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present were: Planning Director, Don Craig; Fire Department, Jason Barroso; Engineering, Gary Volenec, Building Official, Ron Wampler; Urban Forestry Manager, Karen DeMaria; HARC Planner, Enid Torregrosa; Sustainability Coordinator, Allison Higgins and Floodplain Manager, Scott Fraser.

Not present were: Solid Waste/Recycling Coordinator, Will Thompson, Art in Public Places, Dick Moody, Director of Transportation, Norman Whitaker; Utility Services, Elizabeth Ignoffo; Recreation Director, Rod Delostrinos; Police Department, Steve Torrence; ADA Coordinator, Peg Corbett, Bicycle/Pedestrian Coordinator, John Wilkins.

Additional written comment provided by: Keys Energy Supervisor of Engineering Matthew Alfonso

Also in attendance was Planning Department staff: Planner II, Kevin Bond; Planner II, Carlene Smith and Administrative Assistant II, Venetia Flowers.

### **APPROVAL OF MINUTES**

There were no minutes to be approved at this time.

### **DISCUSSION ITEMS**

#### **New Business**

- 1. Easement – 517 Truman (RE # 00017770-000000; AK # 1018228) – A request for an easement of approximately 202 square feet in order to maintain existing roof overhangs extending into the Truman Avenue and Center Street rights-of-way adjacent to property located within the Historic Residential Commercial Core - Duval Street Oceanside (HRCC-3) Zoning District pursuant to Section 2-938 of the Code of Ordinances of the City of Key West, Florida.**

Mr. Bond gave members an overview of the easement request and stated that in the future he would like to see the applicants provide a copy of their certificate of liability prior to City Commission hearing. He also stated that the annual fee for this easement is \$400 a year and will be prorated the first year and that the applicant needs to provide a boundary survey as well as the specific purpose survey with this application. He asked for clarification regarding the easement since Truman Ave is not City right-of-way.

The applicants' representative for One Call Construction gave members an overview of the easement request and answered questions.

FIRE DEPARTMENT: No Comment

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UTILITIES: No Comment

ENGINEERING: No Comment

BUILDING: No Comment

URBAN FORESTRY: No Comment

HARC: Ms. Torregrosa stated that this project had a certificate of appropriateness for painting and doing some remodeling and asked the representative if the HARC application included the removal of the metal awnings. The applicant explained that it included the metal awnings and railings and they are not changing the footprint of the building. They are updating the railings to a more contemporary style and they are removing the clamshell shutters and replacing them with Bahama shutters and they have applied for a revocable license for the shutters. Ms. Torregrosa asked for a site plan to clarify the application.

SUSTAINABILITY: No Comment

FEMA: No Comment

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig also asked the applicant for a site plan to clarify the application as well as updated photos that are not taken with a fish eye lens.

- 2. Easement – 320 Grinnell Street (RE # 00002690-000200; AK # 8653379) – A request for an easement of approximately 728 square feet in order to maintain the existing two-story balcony extending into the Grinnell Street and James Street rights-of-way adjacent to property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Section 2-938 of the Code of Ordinances of the City of Key West, Florida.**

Mr. Bond gave members an overview of the easement request and stated that in the future he would like to see the applicants provide a copy of their certificate of liability prior to City Commission hearing. He also stated that the annual fee for this easement is \$400 a year and will be prorated the first year. Mr. Bond also noted that there were a couple of encroachments (less than one foot) that were on the survey and he did not know if they should be included in the easement request because he has not done a site visit yet.

FIRE DEPARTMENT: No Comment

UTILITIES: No Comment

ENGINEERING: No Comment

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BUILDING: No Comment

URBAN FORESTRY: No Comment

HARC: Ms. Torregrosa stated that one of the issues with the easement is it needs to include an additional column as a structural element and where it is going to be built. The site does not clearly show the encroachment on to Grinnell Street.

SUSTAINABILITY: No Comment

FEMA: No Comment

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig stated that he would like a better description of the columns supporting the balcony because it is going to be on City property because they are a significant part of the easement request.

- 3. Minor Development Plan – 1908 Flagler Avenue (RE # 00063450-000000; AK # 1063886) – A request for minor development plan approval for the construction of 3,444 square feet of gross nonresidential floor area for a learning center on property located within the Commercial Limited (CL) Zoning District pursuant to Sections 108-91.B.1.(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Bond gave members an overview of the Minor Development Plan request and stated that the applicant needed to provide signed and sealed plans, a survey and an irrigation plan prior to the Planning Board meeting. He also stated that the parking plan needed to be reconfigured to include one more space, the garbage area needs to be screened, the swale is located within the memorial garden and both the site plan and the landscaping plan needs to include visibility triangles.

The architect, Tom Pope, gave members an overview of the Minor Development Plan request.

FIRE DEPARTMENT: No Comment.

UTILITIES: Please indicate on the site plan how the trash and recycle storage area will be screened from adjacent properties and public right-of-way, in accordance with Sec. 108-279. Please contact Will Thompson, Solid Waste Coordinator at 809-3776, to assist with setting up the recycling account.

ENGINEERING: The proposed parking layout does not allow several of the spaces adequate turn around area resulting in the need to back out to the right-of-way.

BUILDING: Mr. Wampler wanted to know if there was provision to get from the handicapped accessible parking space to the entrance, due to the fact that the space is in the corner. He also had questions about the occupancy code the project is going to be listed under.

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URBAN FORESTRY: Project needs to be reviewed by the Tree Commission/Urban Forester showing exact trees and where there are to be planted. Make a note on the plans that there are no existing trees on the property. If planting/enhancement work is to be done to the City planter in front of the property, then locate those existing trees on the plan and note what is to be done with them. Watch line-of-site issues especially with Flagler Avenue. Urban Forester does not object to vegetation in the swale but would like to know the species of plants. Planting in the swale must be coordinated with the Utilities Department and FEMA.

HARC: No Comment.

SUSTAINABILITY:

1. As per Comprehensive Plan policies 1-1.9.2 & 6-1.1.3: We request a condition that you increase the efficiency of your fixtures to reduce water and energy use of the whole building by 15%.
2. As per Comprehensive Plan policies 2-1.1.1, 2-1.1.3, 2-1.1.12: To alleviate traffic and increase multimodal travel, we request a condition that you to increase on site bike parking and promote alternative transportation information to your clients. This could possibly help with reduction of one parking spot.

FEMA:

1. An Elevation Certificate will need to accompany a Building Permit Application to validate level of grade.
2. Recommend Applicant consult with City Floodplain Administrator prior to submission of Building Permit Application regarding numerous [floodproofing requirements](#).

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig wanted to know if there was an outdoor play area or assembly area in the plan.

- 4. Variance – 415 Frances Street (RE # 00004990-000000; AK # 1005177) – A request for variances to maximum building coverage, impervious surface ratio and minimum side yard setback in order to construct a canvas awning over existing decking on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395, 122-600(4)a. & b. and 122-600(6)b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request.

The applicant from Cross Key Marine Canvases answered questions about the variance request.

FIRE DEPARTMENT: Mr. Barroso stated that there are issues with the set-backs and the applicant should meet with the Fire Marshall to see what options are available.

UTILITIES: No Comment

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ENGINEERING: No Comment

BUILDING: Mr. Wampler commented that the awning has to meet NFPA-501 for flame retardants if it is a commercial property.

URBAN FORESTRY: No comment regarding variance. There are currently two open tree permits on the property. One permit is older (6065-issued to Craig Reynolds). The other (6980) is still valid until December (issued to Debra Yates). Need to resolve the issue of the older permit.

HARC: Ms. Torregrosa asked for clarification regarding the stormwater and how water is going to be collected and if there is going to be any gutters. According to the survey part of the plan is located on City property.

SUSTAINABILITY: As per Comprehensive Plan Policy 1-1.9.2, 4-3.1.1, 4-3.1.2, 4-3.1.6, 6-1.3.1, we request a condition that you install a cistern to capture rainwater from at least the 3% impervious area over code (60% code – 63% proposed). You can easily use it for pool water replenishment which does not require potable water.

FEMA: No Comment

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig commented that the survey shows both brick and the fence are on City Right of Way. Any fence on City property requires an easement and any additions to the driveway on City property requires a revocable license. He instructed the applicant to meet with Engineering to determine the best way to handle the plan.

- 5. Variance – 3226 Eagle Avenue (RE # 00052890-001400; AK # 8748094) – A request for variances to maximum building coverage, impervious surface ratio and minimum side and rear yard setbacks in order to replace an existing metal shed with a wooden shed on property located within the Medium Density Residential (MDR) Zoning District pursuant to Sections 90-395, 122-270(4)a.1. & b.1. and 122-270(6)a.2. & a.3. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the major development plan request.

FIRE DEPARTMENT: Mr. Barroso stated that there is obvious life safety concern with the setbacks and if this project came before the Fire Department is certainly would not be approved.

UTILITIES: No Comment

ENGINEERING: No Comment

BUILDING: Mr. Wampler stated that he thinks the building needs to be demolished and that the Fire Marshall would agree because there isn't fire access, the structure doesn't have a foundation and was

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built without permits or plans. It's his recommendation that the applicant come in and get a demolition permit and restore the building to the original plan.

URBAN FORESTRY: No comment regarding variance. Ms. DeMaria stated that the old shed had been eaten by strangler fig tree that was removed. Be careful regarding replacement trees planted in the area. Any trees within the work area must be protected during construction.

HARC: Ms. Torregrosa stated that this was not in the Historic District but from the photos it appeared that the property is being used as habitable space.

SUSTAINABILITY: As per Comprehensive Plan Policy 1-1.9.2, 4-3.1.1, 4-3.1.2, 4-3.1.6, 6-1.3.1, we request a condition that you install a cistern to capture rainwater from at least the 2% impervious area over code (60% code – 62% proposed). Eagle Avenue and the surrounding neighborhood is already in a super low zone, with flooding at the year storm. AE7 (Seven feet below Base Flood Elevation, so pervious surfaces are important to your house and your neighborhood.

FEMA: Page two of the Application for Variance incorrectly denotes the flood zone as being inapplicable. The FEMA designated flood zone for this property is AE-7.

- a. Proposed elevation of the 'shed' is in doubt.
  - i. If finished first floor is less than 8-feet NGVD then flood vents will be required and interior finishes not permitted (just bare studs), and limited electrical connections. Use will be restricted to storage and parking. Building Department would request Owner complete a [Non-Conversion Agreement](#) filed with the county Registrar of Deeds.
  - ii. If first finished floor will be at or above 8-feet NGVD then Elevation Certificate will be necessary to document proper height of finished 'shed.'

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig stated that because the applicant did not appear and there were life safety issues the Planning Department will not move this project ahead until the applicant has a discussion with the Building Department and Fire Department.

### **6. Variance – 1309 Newton Street (RE # 00022660-000000; AK # 1023451) – A request for variances to side and rear yard setbacks in order to renovate an existing contributing structure on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395 and 122-600(6)b. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request.

FIRE DEPARTMENT: Mr. Barroso stated that he some questions about the setbacks and he would like the applicant to set up a meeting with the Fire Marshal to discuss the life safety plan.

UTILITIES: Please install roof gutters and direct downspouts back onto property, into landscaped areas.

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ENGINEERING: No Comment

BUILDING: Mr. Wampler stated that the AC unit can be serviced with a ladder but it has to be accessible by a ladder. Otherwise, there has to be a rail around the AC unit to protect the service person.

URBAN FORESTRY: No comment regarding variance. Any trees within the work area must be protected during demolition and construction.

HARC: Ms. Torregrosa stated that the house is contributing and was built circa 1890 and it is positive that the front porch is going to be open again. She stated that the applicant shouldn't use board and batten on the portion that is connecting the old part of the house with the new part of the house because the historic portion of the house has board and batten on the sides. She also reminded the applicant to state on the HARC application that they include wood windows in the historic portion of the house and the means for protecting them and metal windows can be used in the new portion of the house.

SUSTAINABILITY: As per Comprehensive Plan policies 1-1.9.2 & 6-1.1.3: If you are granted this variance, we request a condition that you increase the efficiency of your fixtures to reduce water use of the whole building by 15%. Don't overlook rainwater capture as a method of reducing your potable water use – it has a twofold benefit of reducing stormwater effects on the property as well. Use Comp Plan Policies about not using potable if non-potable is available.

FEMA:

1. The rear section of this residence rests considerably lower than the main residence. As is, this increases the risk of flood damage and likely inflates the cost of flood insurance for the entire structure. The proposed demolition of this section of the residence, with reconstruction at a higher level is beneficial to both owner and community.
2. Page two (backside) of the Elevation Certificate is missing from this application.
3. Utilities servicing this building are not exempt from elevation (A/C etc.).

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig stated that the project may need to be sprinkled and the applicant should meet with the Fire Marshall and HARC to discuss planning options.

- 7. Variance – 1316 Virginia (RE # 00034130-000000; AK # 1035041) – A request for variances to front and side yard setbacks in order to elevate an existing structure on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395 and 122-600(6)a. b. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request.

FIRE DEPARTMENT: Mr. Barroso stated that he didn't see a site date table in the plans and the applicant should meet with the Fire Marshal to discuss life safety issues.

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UTILITIES: No Comment

ENGINEERING: No Comment

BUILDING: Mr. Wampler stated that he expected the raising of the house to clear one foot above base flood elevations as per City ordinance.

URBAN FORESTRY: Watch proposed height of building and the canopy of the existing large trees in the immediate area. Trees within the work area must be protected during the work. Be careful of roots (I have spoken to the representatives of this property regarding the tree issues already). A permit may be required from the Tree Commission to trim/remove branches.

HARC: Ms. Torregrosa stated that the project has already received HARC approval for the elevation but any other changes or demolition would require additional HARC approval. She also questioned the applicant regarding the height of the back deck and the plans for elevation.

SUSTAINABILITY: No Comment

FEMA: Elevation of this building in an AE-6 flood lessens opportunities for future flood damage and thus is an advantage to both owner and community.

KEYS ENERGY: No Objections

PLANNING DIRECTOR: No Comment

- 8. Variance – 1119 Johnson Street (RE # 00058470-000000; AK # 1058955) – A request for variance to construct a trellis over the entry gate on property located within the Single Family (SF) zoning district pursuant to Sections 90-395, 122-28, 122-1181 and 122-1183 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request and stated that the site data table needs to reflect the current number of units on site.

FIRE DEPARTMENT: No Comment

UTILITIES: No Comment

ENGINEERING: No Comment

BUILDING: No Comment

URBAN FORESTRY: No objections to variance. Any trees within the work area must be protected during demolition and construction including tree roots.



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HARC: No Comment

SUSTAINABILITY: No Comment

FEMA: No Comment

KEYS ENERGY: No Objections

PLANNING DIRECTOR: No Comment

9. **Variance – 906 Georgia Street (RE # 00024510-000000; AK # 1025305) – A request for variance to rear yard setback in order to install an awning over an existing deck and pool area on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395 and 122-600(6)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request.

FIRE DEPARTMENT: Mr. Barroso stated that the plans go into the setbacks which is a life safety concern and must be kept clear for 5 feet. He advised the applicant to set up a meeting with the Fire Marshall to discuss his concerns.

UTILITIES: No Comment

ENGINEERING: No Comment

BUILDING: Mr. Wampler stated that the plans do not reflect an awning but rather a solid wood framed structure with 5/8 inch plywood sheeting and single ply sheeting, that is all the way back to the rear lot line and he is not in favor of the project.

URBAN FORESTRY: No comment regarding variance. Ms. DeMaria thanked the applicant for discussing the tree in the write up. Support installation of a canopy structure as a positive alternative to dealing with the fruit from the Sapodilla tree.

HARC: Ms. Torregrosa stated for the record that the survey showed that the fence was slightly over on Georgia Street. She was concerned that the awning would be seen from Olivia Street and would like to see a sample of the awning fabric. She also stated that she would like to see the plans for rainwater capture because the neighboring house is so close.

SUSTAINABILITY: Suggestions, not conditions because asking for setback variance:

- Rather than a swale, we suggest that you install a cistern to capture rainwater to divert to the pool as per Comprehensive Plan Policy 1-1.9.2, 4-3.1.1, 4-3.1.2, 4-3.1.6, 6-1.3.1,
- Refer to Potable Comp Plan Rule.

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FEMA: No Comment

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig stated that he agreed with Mr. Wampler and the plans do not reflect an awning, but rather a substantial wood structure and the application needs to reflect what is being applied for. He also stated that it lends itself to being enclosed in the future. He reiterated there is a significant difference between an awning that is adjacent to a property line in the Historic District and a new roof that extends the structure to the property line. Mr. Craig suggested that the size of the structure be reduced.

### **10. Variance – 1212 Duval Street (RE # 00029100-000000; AK # 1029882 – A request for variances to side and rear yard setbacks to construct a two story rear structure on property located within the Duval Street Oceanside (HRCC-3) zoning district pursuant to Sections 90-395 and 122-750(6)b. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request.

FIRE DEPARTMENT: Mr. Barroso requested that the applicant meet with the Fire Marshal to discuss issues with the setbacks.

UTILITIES: Please provide a stormwater management plan, pursuant to Sec. 108-777. Please install roof gutters and direct downspouts onto property, into swales and/or landscaped areas.

ENGINEERING: No Comment

BUILDING: Mr. Wampler stated that he had previously been inside the building and it has a demolition permit for the interior and the front house is just a shell. Any new construction is going to have to be one foot above flood elevations. Any changes to the historic building must be handled through HARC.

URBAN FORESTRY: No comment regarding variance. Any trees within the work area must be protected during construction. There are some palm trees closer to Duval and a large tree closer to Louisa and Thompson that may be impacted by the work.

HARC: Ms. Torregrosa stated that other parts of this project are being submitted to HARC the following week.

SUSTAINABILITY: No Comment

FEMA: The proposed new construction rests within an AE-7 FEMA designated flood zone.

1. Plans need to show the flood zone.
2. Plans should show cross-section of proposed building with NGVD, BFE (base flood elevation) & DFE (design flood elevation) lines.
3. Plans should show Finished First Floor at minimum height of DFE (8' +NGVD).

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KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig asked for clarification regarding how many legal units are going to be on the property and transient license transfer applications. He also stated that this project will need to be reviewed by the Planning Department because it may be a Minor Development Plan.

**11. Variance – 920 Eisenhower Drive (RE # 00024260-000000; AK # 1025054) – A request for variances to height and side yard setback in order to elevate an existing structure on property located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 122-600(3) and 122-600(6)b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request.

FIRE DEPARTMENT: Mr. Barroso asked the applicant to set up a time to meet with the Fire Marshal to discuss set back and the unity of title

UTILITIES: No Comment

ENGINEERING: No Comment

BUILDING: Mr. Wampler asked for clarification regarding the unity of title of the two adjoining properties.

URBAN FORESTRY: No comment regarding variance. Ms. De Maria stated that she was unsure but thinks that most of the trees presently around the house are either umbrella trees (not protected) or palm trees. Regulated trees within the work area must be protected during construction.

HARC: Ms. Torregrosa asked for clarification regarding the elevations and recommended the applicant include some planting areas on the front to help frame the house.

SUSTAINABILITY: As per Comprehensive Plan Policy 1-1.9.2, 4-3.1.1, 4-3.1.2, 4-3.1.6, 6-1.3.1, we request a condition that you install a cistern to capture rainwater from at least the 15% impervious area over code (60% code – 75% proposed). It can feed the pool, which will also reduce your potable water use.

FEMA: This property rests within a FEMA designated AE-6 flood zone. Both the main structure and accessory buildings have suffered major flood damage during the recent past. Elevation of either of these buildings – preferably both – would be of significant benefit to both owner and community.

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig stated that he is very familiar with the property and is happy to see that it is being elevated due to flooding in the past.

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**12. Variance – 1460 Kennedy Drive (RE # 00065281-000100; AK # 8633254) – A request to replace an existing freestanding multi-tenant sign on property located within the Limited Commercial (CL) zoning district pursuant to Sections 90-395 and 114-138(a)(1)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Smith gave members an overview of the variance request.

FIRE DEPARTMENT: Mr. Barroso stated that he would like to make sure the sign is rebuilt in a safe manner.

UTILITIES: No Comment

ENGINEERING: No Comment

BUILDING: Mr. Wampler stated that the sign is in the Boulevard Zone and it is located in the light of sight triangle. He would like to see the sign located back from the corner.

URBAN FORESTRY: No Comment

HARC: Ms. Torregrosa stated that this property is not in the Historic District but she is very happy that it is going to be improved because it is in poor condition.

SUSTAINABILITY: No Comment

FEMA: No Comment

KEYS ENERGY: No Objections

PLANNING DIRECTOR: Mr. Craig stated that the sign is located on a very busy corner with lots of traffic and because it is the line-of-sight triangle it needs to be moved back. A more attractive sign in the proper setback that is landscaped and well lighted will be able to attract more people.

**ADJOURNMENT**

Meeting adjourned at 11:22 AM.

Respectfully submitted by,  
*Venetia A Flowers, Administrative Assistant II*  
*Planning Department*