

# Minutes of the Development Review Committee of the City of Key West February 23, 2012

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## Call Meeting To Order

Don Craig, City Planning Department Director, called the City of Key West Development Review Committee (DRC) Meeting of February 23, 2012 to order at **10:02 am** at Old City Hall, in the antechamber at 510 Greene Street, Key West.

## Pledge of Allegiance to the Flag

## Roll Call

DRC Member or Designated Staff	DRC Representative	Present	Absent
ADA Coordinator	Diane Nicklaus	X	
Building Official	John Woodson / <b>Wayne Giordiano</b>	X	
Community Housing	Omar Garcia		X
Department of Transportation	Myra Wittenberg / Carolyn Haia		X
Fire Chief	Alan Averette	X	
Florida Keys Aqueduct Authority	Marnie Walterson	Written comments	
General Services/Engineering Director	Doug Bradshaw / <b>Elizabeth Ignoffo</b>	X	
HARC Planner	Enid Torregrosa		X
Keys Energy	Matthew Alfonso / Dale Finigan		X
Landscaping Coordinator	Karen DeMaria / Paul Williams	X / X	
Planning Director	Don Craig	X	
Police Chief	Steve Torrence		X
Public Works	Greg Veliz		X
Sustainability Coordinator	Alison Higgins		X

## Also present:

Agency / Department	Name	Present	Absent
FEMA Coordinator	Scott Fraser	X	
Planning Department	Ashley Monnier	X	
Planning Department	Brendon Cunningham	X	
Planning Department	Nicole Malo	X	
Planning Department/Recording Secretary	Jo Bennett	X	

## Approval of Agenda

### Actions/Motions:

Mr. Craig stated he had a request from the applicant to move item #8 to first action item due to applicant having another meeting schedule for noon in Marathon.

A motion was made by Mr. Steve Torrence, seconded by Mr. Alan Averette, that the minutes be **Approved** moving item #8 to first in the agenda. The motion **Passed** by a unanimous voice vote.

## Approval of Minutes

**1** January 26, 2012 Minutes

### Actions/Motions:

A motion was made by Mr. Steve Torrence, seconded by Mr. Alan Averette, that the minutes be **Approved**. The motion **Passed** by a unanimous voice vote.

## Discussion Items

**8 Comprehensive Plan Amendment: Consideration of a Future Land Use Element and Future Land Use Map amendment for military property located at Peary Court (RE#**

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**00006730-000000) to one of the following designations: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations.**

**Staff Report:**

Ashley Monier presented the project. Ms. Monier stated that this is the second DRC meeting where the Peary Court Future Land Use Designation change has been on the DRC agenda. Ms. Monier stated that is on this agenda again because we wanted to supplement the information that was provided at the January 26, 2012 DRC Meeting. Ms. Monier stated that since that time the applicant has provided substantial amount more of additional information to help inform potential impacts that may be brought into the City as a result of the ownership change of this property from military to civilian. Ms. Monier added that part of what to be discuss today is what those potential impacts may be based on the DRC's view of the additional information, as well as additional discussion of the process and where this project is headed. Ms. Monier stated reminded the members that at the last meeting Mr. Demes mentioned that this is a very unique type of project. Ms. Monier added that this is something the members may not see again or may not have experience with processing in the past because it doesn't follow the typical disposition or accessing requirements such as what might be under the 288 or the McKinney Act. Ms. Monier stated that as such we are doing our best under the circumstances to try to expedite this project through the State Coordinated Review process and then bring it through subsequent rezoning process. Ms. Monier stated that this is the Future Land Use consideration at the DRC. Ms. Monier added that once it goes through that State coordinated review process, it may come back to the DRC with the LDR change for the actual zoning. Ms. Monier reviewed the the information that had been received since the last DRC meeting, the Department of Economic Opportunity has provided information with respect to how the 157 units are incorporated into the hurricane evacuation model. Ms. Monier stated that Staff has some questions still that remain with respect to actually when the residents there are evacuating and that is something that we can still continue to work with the applicant to try to get a better handle on. Ms. Monier stated that information has been received with respect to the construction codes that were utilized and also a little bit more information with respect to how this property will meet concurrency requirements and the capacity that we have in both our sewer sanitary, sewer solid waste and stormwater requirement. Ms. Monier added that Elevation Certificates have been provided since the last DRC and have been reviewed. Ms. Monier stated that a survey has also been received that it is believed to be updated. Ms. Monier requested that an original be provided.

**Applicant:**

Paul Horan of the law firm of Horan, Wallace and Higgins and Mark Lavin with Southeast Housing, which is a division of Balfour Beatty. Mr. Horan stated that they had a couple of issues that need to be addressed by the DRC. First, is that, although we have been talking about 157 units, that one of the three-unit complexes burned down a few years ago. It was located by the Confederate cemetery on White Street and we believe that from now on the consideration should be for 160 units, not 157. We believe those should legitimately be included. The other thing to have addressed, is a letter of February 01, 2012 from Mr. Craig having to do with some FEMA issues and one of them was that the later stated that after examining the newly arrived elevation certificates, staff has determined that there are 26 dwellings where the AC units are below the base flood elevation level. Mr. Horan stated that typically, they are a few inches below BFE and, in some cases, as much as half a foot low. Mr. Horan stated that based on the fact that after a certain period of time when things are put in the ground in Key West, they will subside a little bit and this subsidence has, in fact, put us in the position where those units are, you know, that far below base flood elevation. I do not believe that there is any rational way to look at this as being noncompliant with the City of Key West and that the City of Key West loses some kind of an advantage it might have being a preferred community under the FEMA guidelines. Mr. Horan stated that this is one of those things where it really does not make any sense at all to turn around and say, okay, you have

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got to do that. Mr. Horan added that that there would be no problem whatsoever in putting something in there that says if any air conditioning work has to be done or if a building permit for the unit has to be executed, or whatever, then the unit has to be brought up. But to bring them up under the current way it's done would require a tremendous amount of work. You have got to pump down the Freon in the unit. You have got to bring it up and do your pipe connections and all this kind of stuff and that just makes no sense whatsoever. Mr. Horan stated that he really want to go ahead and get that particular thing looked at by the DRC. Mr. Horan stated that a restriction could be added that when a unit is replaced they will be brought up. Mr. Horan stated that another thing had to do with the little louvers on the non-habitable storage. Mr. Horan stated that was pointed out as something that we needed either to put them in or it had to be addressed as some type of FEMA variance. Mr. Horan stated that an eMail should have been received by the City stating that there is no need for a variance on something like that. When we did the walkthrough, there was no problem because we were told that when we do any work on the units, put the louvers in, and that will be done. Mr. Horan also asked about some language about certificates of occupancy being issued by the City which has caused concerns and needs to be addressed. Mr. Horan and Mr. Lavin remained to respond to questions.

## **DRC Member Comments:**

### **General Services/Engineering Director –**

Ms. Ignoffo mentioned that that it is her understanding that the sewer laterals will not be transferred to the City. Ms. Ignoffo added that individual sewer laterals need to be provided to each unit and that the billing for sewer, if individual water meters were installed, could be based on flow to each unit. Ms. Ignoffo also stated that it is the City's understanding that the road will not be conveyed to the City. Mr. Horan responded that it is his understanding that the property is currently on a on a master water meter and discussed master meter billing. Ms. Ignoffo responded that there's actually a sewer meter, in line at the pump station so the flow would be based on 80 percent of the water flow and then divided per unit.

**ADA Coordinator –** Ms. Nicklaus reminded the applicant that they will have to provide something in writing that states what their plan is to address the ADA issues with the sidewalks and ramping and when they intend to come into compliance. Mr. Horan responded that they are not going to be conveying the roads to the City therefore they are not going to be in that particular queue with regard to coming back into compliance. Ms. Nicklaus suggested that the applicant move forward with submitting a letter to the City's Chief Building Official stating their intent to come into compliance.

**Police Chief –** Mr. Torrence stated that he was just concerned that from White Street to Palm Avenue, if there is a cut-through there is a concerned about the increase in traffic. Mr. Torrence stated that Instead of people going around, they are just going to be shooting through that development. Mr. Torrence also asked the applicant to make sure that all the houses have proper addresses on them and there are street signs, so that public safety can find it.

**Sustainability Coordinator –** Ms. Higgins reminded the applicant that Keys Energy does the free audits to let you know how each house can be made more affordable, more green, for the people and ask them to make sure that those get done for all 157/60 units. Mr. Horan responded they planning for each unit to be individually metered and that they will work with Keys Energy. Ms. Higgins also inquired if recycling will be addressed. Mr. Horan responded that it would be.

**FEMA Coordinator –** Mr. Fraser stated that he had good news to report since we last met and that's that, having reviewed all the elevation certificates for all the structures on this property, every one of them is at or above the floodplain. And that's for the dwelling units and the commercial buildings, the main structures. Any other deficiency beyond that pales in comparison because that was the largest concern. The deficiencies that remain involve some of the air conditioning units, approximately 26 of them, that are below the flood level. Because, if you look

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at the structures out there, you'll see that the slabs are at one level and then the air conditioning units are a few inches below that. And, ideally, they would have been at or above the level of the slab and then we wouldn't be discussing them today. There is a way administratively that we can rectify the additional cost that would be incurred for getting new elevation certificates to replace the ones that have already been done for these 26 units. The problem with the elevation certificates that have been paid for and been completed is that if the machinery, in this case the air conditioning, is below flood, then how do we know it's above flood absent another elevation certificate, to show that the rectified height is now in accordance. But administratively in this scenario, we can accomplish that by utilizing a section on the elevation certificate for community information, because the professional surveyors have already determined that the slabs are above the flood level. So, by going out and visually looking at the newly elevated air conditioners, we can administratively say we know they are above flood because they are above the level already measured by the professional surveyors. And that should save considerable amounts of money for the applicant by some relatively minor activity by the staff. In addition to the low air conditioning units, the storage units are well below the slab, so, by default, well below the flood level. And it's unfortunate that these small-enclosed areas are wholly enclosed, because that makes them a storage unit below the floodplain, even though they are not much larger than two trash cans can fit inside, but in FEMA's eyes they are enclosed structures. And, therefore, since they are not habitable structures, flood vents are required. And the size and shape and position of them is determined by the area of the enclosure. And then lastly there are the guard shacks, which I've been told will be removed. They would be noncompliant with the flood area basically because they are not elevated and they don't have flood vents. Mr. Fraser stated that if they are to be removed, then it's going to be a nonissue. We get into the issue of whether these things can be grandfathered, these deficiencies. And really the City doesn't want to be in a position where it assumes these deficiencies. FEMA is surely a bureaucratic monstrosity but it's one from which the residents of the City benefit and we have, as a community, received more from the National Flood Insurance Program than we have paid into since its inception here in the '70s. Mr. Fraser continued stated that while we struggle with regulations and with compliance, the alternative would not be pretty for the City because insurance on the commercial market would be ten to twenty times more expensive. In the eyes of FEMA, absorbing this property is much akin to an annexation. And for us to accept any property into the City with these deficiencies, we might well have approved the deficiencies at construction as to accept them now, because the burden of those deficiencies is going to fall upon the City. And how will that injure the City? Well, the stick that FEMA holds over the City and its residents is being part of the National Flood Insurance Program. And, if we don't adhere community wide to the requirements of that program, they will suspend us from that program. And, not only do insurance rates sky rocket, but there are many, many consequences that would wreck economic havoc upon the community because of that. But, beyond the basic compliance with the National Flood Program, we are also as a City pursuing what's called a CRS, or Community Rating System discount, which could garner every policyholder upwards of a discount of ten percent. But, in order to achieve that, we need to, A, be in compliance with the program at its very basic level, and then we need to go through a lot of process and procedures to go beyond the scope of the basic level of compliance. Mr. Fraser stated that this September we're expecting FEMA to come in and do a community assessment visit, where they rate our compliance. And the very first thing FEMA does in one of these community assessment visits is ask for any floodplain variances that have been issued, because that's their primary concern. And the reason for that is that they want to make sure a community didn't adopt its regulations only in theory to appease FEMA and then just go issue blanket variances or exceptions to make compliance moot. The City, to my knowledge, has never issued a floodplain variance, so this very first one would not be a favorable one to garner their attention. There are no grandfathering provisions within the National Flood Insurance provision for anything built after October 19, 1974. And the exception to the requirements would have to come through the variance process.

Mr. Horan responded to Mr. Fraser's comments, stating that FEMA is very similar to ADA that the

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correlation between the two is just incredible. And that is, I don't think there is any way to get there from here. The City is actually looking at and has, for some period of time, annexing Key Haven, which is where I live. You have got the entire A and B section of Key Haven that's below floodplain. Mr. Horan asked "Are you meaning to tell me that when you annex Key Haven, you're going to have to consider floodplain variances for the entire A and B section of Key Haven, and that makes you out of compliance and it costs the people of Key West ten percent on that or sky rocketing twenty times over their FEMA flood insurance?" Mr. Horan stated that is totally patently ridiculous. Mr. Horan stated that he has worked with FEMA, with the County, and they have now blinked big time with regard to some other issues having to do with endangered species and some other things that we have been working on. FEMA is not that -- are the most bureaucratic people I have ever seen, except for possibly the Navy, but think about this. The government is going to discriminate against the City because the City took government housing that was okay and then they are going to say, oh, no, that's noncompliant. We're not going to apply for a floodplain variance. There is no need for us to do so. Why would you, the City of Key West, ever consider going ahead and entertaining floodplain variances on inches on air conditioners when all you have got to do is say, When you replace that, bring it up to the thing that didn't subside, the main floor pan, for all those units. We'll do that. That's not a problem. But, for God sakes, don't put yourself in the position where you are considering issuing a floodplain variance, which is going to yell to FEMA come reevaluate the entire City of Key West. That doesn't make any sense at all. As far as the guard shacks are concerned, they are not habitable structures. If they are fully enclosed, we'll take a door off. Then they are not enclosed. But to turn around and say, Well, you have got to bulldoze those on the day you convey the property to a private owner, that doesn't make any sense. And as far as the floodplain, 26 units, it isn't 26. It's actually something like 78 because there's three air conditioners per unit, I mean, per, you know, tri-plex. So, we're talking about a bunch. We're talking about a lot of money and we're talking about a lot of Freon that is going to escape and all this. It doesn't make sense. For that reason, that's what the DRC is here to do, go ahead and look at this and go, You know, that just doesn't make good sense and why should we go ahead and embark on a variance procedure. You haven't done it in the past. Please don't start now.

**HARC Planner** – Mr. Craig stated that all of the existing structures on-site are non-historic in nature and, therefore, would not have to meet the requirements of HARC. Mr. Craig stated that there are archeological resources on-site, which have been evidenced by prior analysis by the federal government, and we are in receipt of the copies of that material, which we are currently verifying. Mr. Craig added that the basic part of that determination was that the entire site could be built upon with the exception of the Peary Court Cemetery and a certain buffer area adjacent to that. Mr. Craig stated that is within the communication from SHPO and the consultant hired by the federal government. Mr. Craig stated that there are some underground resources that are identified by that analysis and that analysis will be a key piece of information in our library and should, in the future, additional structures or remediation or additions to structures would occur, we would refer to that mapped resource and that inventory. Mr. Craig stated that so, in sum, that is not a concern of HARC. Mr. Craig added that one of the things that you should realize, though, is that one of the potential zoning designations for this property is HMDR, Historic Medium Density Residential and that is being considered because of the history of the City applying a similar designation to a part of the Truman Annex property, which the City received in anticipation of residential development occurring on a part of that and the desire of the City to make sure that development within that HMDR district, even though it would be new, would be consistent with the surrounding existing historic neighborhood. Mr. Craig stated that the same circumstance occurs here so, that in future, there may be a cursory type of review by HARC for consistency with the adjacent neighborhood, but it would not be the same level of review by HARC. Mr. Craig stated that may be reflected in the Future Land Use Map designation as well as the zoning.

**Planning Director** – Mr. Craig stated that with regard to the FEMA issues, and I'll get into the planning issues in a minute, regardless of the common-sense approach that you've espoused,

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which I can agree with, we are faced with the fact that the federal government has particular rules and regulations which we cannot accept. There may be a way, however, of understanding that and making headway with FEMA. We are in communication with FEMA on a regular basis dealing with issues such as this and this may be one of those very special circumstances which FEMA may recognize. I have been giving it some thought and one of the things that you and one of the potential purchasers identified was a special development agreement that you may or may not be proposing for the project. One of the things that could be entered into in a development agreement, if that be between the City, the State, under a 380-agreement for certain purposes that your special counsel understands, and the City would be a paragraph and an understanding that at a time certain, a number of years, or with the improvement of a particular property, those structures would be brought into compliance. And, for the period of pendency of that improvement, there may be a way of exempting the property owner from reimbursement due to damage caused by those flood structures or structures not meeting the requirement. So, what I'm giving you is a statement on the part of the Planning Department that we will investigate a way of solving the issue. It may require a variance if it's justifiable, simply because of the process required. But we understand the circumstances which you find yourself. And, as in my last eMail to you last evening, it was that if a variance is required and sufficient justification can be provided by the evidence, then it would be something that the City could then defend with FEMA. So, I'm not going to give up on coming to a reasonable common-sense solution, and I have given several avenues. We'll further go into those as the Planning staff gets into the analysis for the FLUM. With regard to the one standing planning issue that I have identified that was briefly discussed by Ashley, it involves hurricane evacuation and a very finite but important point. Though DCA wrote a letter to us saying that Peary Court is considered, are considered households, and that they would be required to respond to a mandatory evacuation, the issue is which evacuation. Is it the evacuation that's required of transient units or permanent units? It's a very fine point but it's important and the reason is that the comprehensive plan for the County, with which the City must be consistent according to its own comprehensive plan, lists military housing to be evacuated at the time of transient evacuation versus permanent. So, if evidence can be presented that, regardless of the County policy, past military policy has been that they evacuate at the time of permanent dwelling units, then the possibility of an impact on the City's hurricane evacuation modeling will be less, perhaps zero. So, that's the issue that we need to have responded to in this process as we move forward to the Planning Board and to the City Commission. Those are my only comments with regard to Planning.

Mr. Horan responded to Mr. Craig's comments. We have looked into that issue of whether we evacuate as transient or as permanent and, fortunately, the City has a resource that most cities wouldn't have, and that is the City Manager just happens to be a former commanding officer at Boca Chica, and he will be happy to testify under oath that it was evacuated on the general evacuation, not on transient. It was a general evacuation and has always been that. Ron Demes, who has been here forever, would do the same thing. So, I can tell you that there is no impact with regard to hurricane evacuation. And I'm sure that you realize that that hurricane evacuation is inextricably intertwined with the ROGO issue and all this, and we really do not have a ROGO or a BPASS issue with regard to this either. So, based on that, I think that that is going to resolve itself. The other thing is the special development agreement, and we have spoken with the group that is right now looking at the issue much closer than anybody else is, and they are definitely working towards that. I think they met with City staff on some of those issues. And we can definitely address those particular issues under the special development agreement. I would hope that the idea of applying for floodplain variance, which would really put us on the map as far as FEMA is concerned, would be the last feasible alternative we should pursue, because it's been my experience that that would be a real dangerous position for the City to take with regard to variances.

Mr. Craig concluded stating that has to be put in writing because the Planning Board members and the City Commission would be interested in that particular issue and, as we proceed ahead with

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	<p>the hurricane evacuation workshops in the next several months, we need to put that issue to bed in writing. Mr. Craig concluded that the next step is the Planning Board meeting.</p> <p><b>Keys Energy</b> – Mr. Craig reminded the Commission members concerning the letter from Keys Energy Services which was included as part of the meeting package.</p> <p>There were no additional Committee member comments for the record.</p> <p><b>Public Comments:</b></p> <ul style="list-style-type: none"><li>➤ Steve Dawkins – 1212 Angela Street Asked that the fence remain. Mr. Horan responded that the plan is for it to remain.</li><li>➤ Cynthia Domenech-Coogle – 1006 16<sup>th</sup> Terrace Reminded everyone that health of the trees on the property needs to be monitored.</li></ul>
2	<p><b>Variances – 812 &amp; 814 Baptist Lane (RE# 00014520-000000) - A variance application for side and rear-yard setback requirements in the HMDR zoning district per Section 122-600 (6) b. &amp; c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.</b></p> <p><b>Staff Report:</b> Brendon Cunningham presented the variance application. Mr. Cunningham stated that this is a re-visit of this variance application. Mr. Cunningham added that the applicant had also entertained applying for a vacation of City property but has since re-thought that approach and made changes in their plans as appropriate by reducing the scope of their plan.</p> <p><b>Applicant:</b> Ty Symroski, Chris Liddle, and Cynthia Domenech-Coogle presented the application for a rear setback variance. Mr. Symroski stated that they have revised their plan, which allows them to withdraw the Vacation of Property request, and minimized their need for a setback variance. Mr. Symroski described the work that is planned to take place on the property, which will include improvements to for the property parking. Mr. Symroski concluded that he feels this project will improve the property greatly. Mr. Symroski, Mr. Liddle, and Ms. Domenech-Coogle remained to respond to any questions from Committee members.</p> <p><b>DRC Member Comments:</b> <b>General Services/Engineering Director –</b> Ms. Ignoffo stated she has concerns about the parking and recycling area. Code prohibits gravel – the surface must be HARC approved dust free material. Ms. Ignoffo stated that there is a problem with backing onto the right-of-way and the City is making efforts to eliminate such situations. Ms. Ignoffo also mentioned concerns about the water meters and that requires FKAA coordination. Mr. Liddle responded that they will address the issue of the dust and Mr. Ignoffo’s other parking concerns.</p> <p><b>Fire Chief –</b> Mr. Averette asked if only building #3 was being brought into compliance. Mr. Symroski responded that they are only working on building #3 at this time. There was a discussion concerning how Fire could access the property in an emergency. Mr. Averette stated that with the changes as outlined by the applicant he could support the application.</p> <p><b>Police Chief –</b> Mr. Torrence stated that the changes outlined are a vast improvement for the property.</p> <p><b>Landscaping Coordinator –</b> Mr. Williams inquired about the relocation of an avocado tree. Ms. Domenech-Coogle responded that they have an application, scheduled for the next Tree Commission meeting, which is a request to remove the avocado. Ms. Domenech-Coogle explained</p>

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that they had determined the tree to be in too poor of health to save. Mr. Williams inquired about the other trees and how they would be protected. Ms. Domenech-Coogle stated that barricades as well as other methods of protection would be used during construction.

**Sustainability Coordinator** – Ms. Higgins asked the client to use low flow faucets and toilets and other energy efficient equipment.

**FEMA Coordinator** – Mr. Fraser stated the main structure is technically in an AE-6 flood zone and the accessory buildings are located wholly within the AE-6 zone. Mr. Fraser added that however, spot elevation on the survey submitted show the grade is at least 7 feet above MSI and by default any new construction (absent a basement) would be above flood minimum elevations for the location. Mr. Fraser stated, as such, it would be appropriate to waive the mid-construction Elevation Certificates that would otherwise be required during construction. Mr. Fraser recommended the applicant consult with a flood insurance specialist to ascertain if pursuing a Letter of Map Amendment (LOMA) from FEMA would have long-term favorable results when it comes to flood insurance rates. Mr. Fraser added that a LOMA would likely certify any and all structures on this lot to be located in the more favorable X-Zone. Mr. Fraser stated that the accessory structure to be moved would normally require Elevation Certificates as well, but given the grade, the same exception from above would apply. Mr. Fraser stated that unfortunately FEMA still requires a final "Finished Construction" E/C for the additional accessory building, even though the new building will likely by default be above minimum flood levels. Mr. Fraser concluded stating that however, the E/C would otherwise be necessary to obtain a permanent LOMA exemption.

**Building Official** – Mr. Giordano stated the plans would be reviewed during the Building Department's Plan Check process.

**HARC Planner** – Mr. Craig stated that the plan was approved by HARC at the meeting Tuesday night, February 21, 2012.

**Planning Director** – Mr. Craig stated that Mr. Cunningham covered the Planning comments. Mr. Craig reminded the applicant that they would need to be able to respond to the items discussed by the members as the application moves forward in the process.

**Keys Energy** – Ms. Bennett read the comments from Matthew Alfonso of Keys Energy submitted by into the record - *"Keys has no objections to the Variances."*

There were no additional Committee member comments for the record.

**Public Comments:**

There were no public comments.

**3 Easement - 1015 Simonton Street (RE# 00027070-000000) - An easement application for use of 25' by 248' of City Right-of-Way along Virginia Street between Simonton Street and St. Mary's property per Section 90-587 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

**Staff Report:**

Brendon Cunningham presented the application for easement for the existing trailer park. Mr. Cunningham stated he needed to clarify that this would allow for the continued placement of the trailers that have been there for quite some time. Mr. Cunningham stated that there standing stipulations for easements and the applicant must meet all requirements.

**Applicant:**



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Annalise Mannix and Joe Cleghorn (property owner) presented the easement application. Ms. Mannix stated that there are ten existing trailers are encroaching on the right-of-way and that one at the most is 18.8' over the right-of-way. Ms. Mannix added that there is a fence between the trailers and the sidewalk. Ms. Mannix reminded the members that the City annexed the property with most of the trailers sitting in the same place they do today. Ms. Mannix stated that the owner has contacted the neighbors to discuss any issues they have. Ms. Mannix stated that the fence would stay and if allowed the owner would make necessary repairs and improvements to the fence. Mr. Cleghorn stated that he does not have any plans at this time to re-develop the property. Ms. Mannix and Mr. Cleghorn remained to respond to questions from the Committee.

**DRC Member Comments:**

**Right-of-way** – Ms. Nicklaus state she is against allowing the proposed easement do to future development issues. Mr. Cleghorn responded that he would be willing to sing a statement to give up easement when any re-development takes place.

**Fire Chief** – Mr. Averette stated that he could not support the application at this time but would be open to discussion and invited the applicant to come to his office to discuss with the Fire Marshal.

**General Services/Engineering Director** – Ms. Ignoffo stated that General Services (Utilities and Engineering) object to the proposed easement agreement.

**Landscaping Coordinator** – Mr. Williams stated that he is concerned about the trees involved are on public property and the following needs to be addressed:

- Maintenance to the trees will need to be accomplished by the City.
- Liability situation for damage as a result of limbs falling needs to be addressed.
- Additional planning on the easement needs to be addressed.

**Planning Director** – Mr. Craig stated that the Planning Department does not support this application. Mr. Craig stated that the area qualifies as a blight area. Mr. Cleghorn stated that he would like to take the application to the City Commission because he feels this is that displacing the people living in these trailers do not have any place else to go.

**Keys Energy** – Ms. Bennett read the comments from Matthew Alfonso of Keys Energy submitted by into the record - "*Keys does not object to the easement, as long as the existing access to the power poles are maintained.*"

There were no additional Committee member comments for the record.

**Public Comments:**

There were no public comments.

**4 Lot Split - 1307 and 1309 Atlantic Drive (RE#s 00059940-000000 and 00059970-000000) - A Lot Split application to adjust lot lines to create more uniform lot sizes in the SF zoning district per Section 118 - 169 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

**5 Lot Split - 1619-1621, 1615 - 1613 and 1609 -1607 Sunshine Avenue, (RE#s 00060010-000000, 00060020-000000 and 00060030-000000) - A Lot Split application to adjust lot lines to create uniform lot sizes in the SF zoning district per Section 118 - 169 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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**NOTE: Item #4 and item #5 were discussed together.**

**Staff Report:**

Brendon Cunningham stated that the description of the applications covers the reason for the application. Mr. Cunningham stated that they are trying to make the lots uniform.

**Applicant:**

Jennie Stones stated that the description of the items and Mr. Cunningham's comments covers the applications. Ms. Stones continued by stating that this process is an effort to result in five lots of conforming size. Ms. Stones stated that having the lots adjusted as described in the application would allow the owner to build on the lots without having the need to any setback variances. Ms. Stones stated that by re-allocating the land mass then all lots would have conforming setbacks, lot coverage, buildings, impervious surface, etc.

**DRC Member Comments:**

**General Services/Engineering Director** – Ms. Ignoffo inquired if this application includes any re-development. Ms. Stones responded that each lot would be developed individually with no shared common areas utilized.

**Fire Chief** – Mr. Averette stated that he liked the proposal – it gives Fire plenty of room to maneuver.

**Landscaping Coordinator** – Mr. Williams reminded the applicant that any tree activity will require applications

**Planning Director** – Mr. Craig inquired if each lot has a BPAS allocation. Ms. Stones responded that each lot has two BPAS allocations. Ms. Stones added that each structure would have its own BPAS allocation. Mr. Craig stated that his main concern is that we do not create any lots after 1993 that may then be eligible for beneficial use.

**Keys Energy** – Ms. Bennett read the comments from Matthew Alfonso of Keys Energy submitted by into the record - *"Keys will need to have truck access to the power pole(s) located in the rear between lots 13 & 16. If your client wishes to restrict truck access then he can pay to have the poles relocated. The client may also need to pay to upgrade the riser for any customer coming off the poles."*

There were no additional Committee member comments for the record.

**Public Comments:**

There were no public comments.

**6 Exception for Outdoor Merchandise Display - 812 Caroline Street (RE#00003150-000000) - A request to allow the display of merchandise sold in-store, for Red Door Gallery, Inc. in the HNC-2 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida**

**Staff Report:**

Nicole Malo presented the application for an outdoor display on the applicant's property. Ms. Malo stated that there are two (2) encroachments on the property, which need to be addressed. Ms. Malo stated that the first encroachment is the fence on Roberts Lane, which either will require an easement application or will need to be relocated to the applicant's property. Ms. Malo stated the second encroachment is the eaves on the front of the building, which will require

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an easement application. Ms. Malo stated that the easement(s) request would need to be processed at the same time as the Outdoor Display application. Ms. Malo added that the site plans are confusing and need work. Ms. Malo stated that more photos are expected to be added to the application. Ms. Malo stated that clutter would need to be controlled prior to moving the application to the next step. Ms. Malo concluded that there is a lot of work remains to be accomplished before the application is ready.

**Applicant**

Rene Blais stated that this outdoor display has been in place for sixteen years with no changes. Mr. Blais stated that he applied for a permit in 1997 and thought he was just renewing what he already had. Mr. Blais remained to answer any questions.

**DRC Member Comments:**

**Fire Chief** – Mr. Averette stated that the display couldn't be in the way of egress or regress. Mr. Blais responded that in the past sixteen years that he had no issues.

**Landscaping** – Mr. Williams asked if the hedge and tree out front are any issue. Mr. Blais responded, "No, it keeps splashing from hitting the building."

**Keys Energy** – Ms. Bennett read the comments from Matthew Alfonso of Keys Energy submitted by into the record - "*Keys has no objections to the Exception for Outdoor Merchandise Display.*"

There were no additional Committee member comments for the record.

**Public Comments:**

There were no public comments.

**7 Development Agreement -1000 Atlantic Boulevard, Higgs Beach Park (RE#00058800-000000, 00058790-000100, 00058790-000000)- A Development Agreement for Monroe County for the redevelopment of Higgs Beach pursuant to Section 90-676 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

**Staff Report:**

Nicole Malo presented the development agreement for the redevelopment of Higgs Beach and explained the process. Ms. Malo stated that on January 3, 2012, the City Commission authorized the County to proceed with the creation of a Development Agreement for Higgs Beach: and on January 19, 2012, the County Commission agreed to submit to the City this Development Agreement. Ms. Malo stated that the Key West City Commission and the Monroe County Board of County Commissioners find that entering into this Development Agreement furthers the purposes, goal, objectives, and policies of their respective Comprehensive Plans. Mr. Craig added that to clarify this is a development agreement for the park and that this agreement is for a longer period than what we are use to seeing. This longer timeframe will allow the County to develop, as funds are made available.

**Applicant:**

Natileene Cassel, Monroe County Asst. County Attorney and Barbara Mitchell of Mitchell Planning and Design, presented the plan for the development. Ms. Cassell stated that County has acquired FDOT enhancement funds and the road study will be taking place this year. Ms. Cassell stated that they are not planning to discuss the design plan today. Ms. Cassel and Ms. Mitchell stated that they look forward to working with the City Staff.

**DRC Member Comments:**

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	<p><b>General Services/Engineering Director</b> – Ms. Ignoffo asked if we are locked in to the design. Ms. Ignoffo stated that her concern is what will be the City’s responsibilities and obligations as part of the plan.</p> <p><b>Planning Director</b> – Mr. Craig stated Ms. Malo has all the Planning comments. Mr. Craig suggested at least one additional meeting of the Staffs prior to moving to the next step.</p> <p><b>Keys Energy</b> – Ms. Bennett read the comments from Matthew Alfonso of Keys Energy submitted by into the record - <i>"Keys Energy has reviewed the above site plans. Keys will need to remove and/or relocate high voltage primary to accommodate the shift in the road. Keys has power running to West Martello Towers and the existing restaurant that will need to be maintained. Keys will also need to have truck access to all poles. If this design is approved, Keys will require 8 to 12 months for budgeting and designing of this project."</i></p> <p>There were no additional Committee member comments for the record.</p> <p><b>Public Comments:</b> There were no public comments.</p>
<b>Adjournment</b>	
	<p><b>Actions/Motions:</b> A motion was made by Mr. Steve Torrence and seconded by Mr. Alan Averette, that the meeting be <b>Adjourned</b>. The motion <b>Passed</b> by a unanimous vote.</p> <p>Meeting adjourned at <b>12:20 pm</b>.</p>

**Respectively Submitted by,**

*Jo Bennett*

**Administrative Coordinator  
Planning Department**