

# Minutes of the Development Review Committee

## June 27, 2013 **DRAFT**

Planning Director Don Craig called the Development Review Committee Meeting of June 27, 2013 to order at 10:05 AM at Old City Hall in the antechamber at 510 Greene Street, Key West.

### ROLL CALL

**Present were:** Planning Director, Don Craig; Engineering Services, Elizabeth Ignaffo; Fire Department, Danny Blanco; ADA Coordinator, Diane Nicklaus; Interim Urban Forestry Manager, Karen DeMaria; HARC Planner, Enid Torregrosa; and Arts in Public Places, Dick Moody.

**Not present were:** Building Official, Ron Wampler, Police Department, Steve Torrence and Sustainability Coordinator, Alison Higgins.

**Comments provided by:** Keys Energy.

**Also in attendance was Planning Department staff:** Brendon Cunningham, Ginny Haller, and Katrina Cool.

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

Mr. Craig informed members that items 1, 4, 7 and 10 were requesting postponement until the July 25<sup>th</sup> DRC meeting. Also applicant for item 5 would like to be placed last on the agenda to allow time for their attorney to be present.

### APPROVAL OF MINUTES

#### April 25, 2013

Motion to approve the April 25, 2013 minutes was made by Ms. Ignaffo and seconded by Ms. Nicklaus.

#### May 23, 2013

Motion to approve the May 23, 2013 minutes was made by Ms. Ignaffo and seconded by Ms. Nicklaus.

### DISCUSSION ITEMS

#### Old Business

1. **Development Agreement - 1000 Atlantic Boulevard, Truman Waterfront Park (RE# 00001630-001000, AK# 9038855; RE# 00001630-000801, AK# 9038833; and RE# 00001630-001100, AK# 9038866) - A Development Agreement with the Naval Properties Local Redevelopment Authority for the development of the Truman Waterfront Park per Section 90-676 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item was postponed to the July 25<sup>th</sup> meeting.

2. **After-the-Fact Variances – 2922 Flagler Avenue (RE# 00069210-000000, AK# 1073105) – A request for rear and side yard setbacks and building coverage for detached habitable space in the SF zoning district per Section 90-391, Section 122-238(6) a3, 122-238(6) a2,**

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and 122-238(4) a and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Item was postponed to the July 25<sup>th</sup> meeting.

### **New Business**

- 3. Vacation of City Right-of-Way (Terminus of Linda Avenue in front of RE# 00064520-000000, AK# 1064891) – A request to vacate a 50 by 63 foot platted paved and non-paved area at the terminus of Linda Avenue per Chapter 90 Article VII of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the Vacation of City ROW request.

The applicant was not present.

#### **DRC Member Comments:**

##### **URBAN FORESTER:**

Ms. DeMaria stated applicant will need to ensure tree protection during construction and that any tree to be removed must come before the Tree Commission and to allow enough time for review.

##### **FIRE DEPARTMENT:**

Mr. Blanco had no issues with accessibility.

##### **HARC PLANNER:**

No comments.

##### **ENGINEERING:**

Ms. Ignaffo objects to vacating the right-of-way at the terminus of Linda Avenue. Sanitary sewer utilities, overhead power lines and water distribution lines are located in the right-of-way. Utility easements may be insufficient to guarantee access 24 hours per day, every day of the year. The terminus portion of Linda Avenue must be retained to safe guard the public health and safety. City public right-of-ways must be retained for possible future improvements, such as storm water treatment and disposal, emergency operations, and access to infrastructure.

##### **ADA COORDINATOR:**

Ms. Nicklaus objected and had concerns with vehicle parking issues if vacated.

##### **PLANNING DIRECTOR:**

Mr. Craig has concerns if parcel becomes private property both neighboring property owners would be subject to easement and zoning implications as well as maintenance but would be usable for vehicle storage,

##### **ART IN PUBLIC PLACES:**

No comments.

##### **KEYS ENERGY:**

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KEYS would like to have a utility easement and to have full truck access to our power lines that run in front of 2516 Linda Avenue.

The following member of the public spoke on the matter:

- Jose Gonzalez, 2519 Linda

4. **Variations – 1317 Thompson Street (RE# 00043460-000000, AK# 1044091) – A request for side yard, rear yard, street side setbacks, impervious surface ratio, building coverage requirements and detached habitable space for an after-the-fact conversion of accessory shed and construction of new enclosed entrance hallway to join habitable space to principal structure in the SF zoning district per Section 90-391, Sections 122-238(6)a 2, 122-238(6)a 3, 122-238(6)a 4, 122-238(4)a, 122-238(4)b and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item was postponed to the July 25<sup>th</sup> meeting.

5. **After-the-Fact Variations – 2501 Fogarty Street (RE# 00050510-000000, AK# 1051110) – A request for side yard setback for a shed, and impervious surface ratio and building coverage requirements for an after-the-fact construction of new carport in the SF zoning district per Section 90-391, Sections 122-1182, 122-238(4)a, 122-238(4)b of the Land Development Regulations of the Code of Ordinances of the City of Key West. – 613 Margaret Street (RE# 00011290-000000; AK# 1011592) – A request for a rear yard setback for the reconstruction of a dwelling in the HHDR zoning district per Section 90-391, Section 122-630(6)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the Variance request.

The applicant's attorney, Lee Rohe, gave members an overview of the request.

### **DRC Member Comments:**

#### **URBAN FORESTER:**

No comments.

#### **FIRE DEPARTMENT:**

Mr. Blanco stated that accessibility would not be affected by just one foot over setback requirements and had no objections.

#### **HARC PLANNER:**

No comments.

#### **ENGINEERING:**

No comments.

#### **ADA COORDINATOR:**

No comments.

#### **PLANNING DIRECTOR:**

Mr. Craig stated that variations would be required for proposed permanent accessory structure setback and impervious surfaces. Code does specify for one foot allowance.

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**ART IN PUBLIC PLACES:**

No comments.

6. **Transient License Transfer – 1901 Venetia Street (RE# 00063400-000000, AK# 1063835) to 913 Duval Street (RE# 00017630-000000, AK# 1018104) – A request for a Transient License Transfer from property in the SF zoning district to property in the HRCC-3 zoning district per Section 122-1339(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the TLT request.

The attorney for the applicant, Susan Cardenas, Stones & Cardenas, gave an overview of the request.

**DRC Member Comments:**

**URBAN FORESTER:**

No comments.

**FIRE DEPARTMENT:**

Mr. Blanco stated that applicant needs to verify unit meets all fire safety requirements.

**HARC PLANNER:**

No comments.

**ENGINEERING:**

No comments.

**ADA COORDINATOR:**

No comments.

**PLANNING DIRECTOR:**

No comments.

**ART IN PUBLIC PLACES:**

No comments.

7. **Transient License Transfer – 1903 & 1905 Venetia Street (RE# 00063400-000000, AK# 1063835) to 1306 Villa Mill Alley (RE# 00036630-000100, AK# 18866798 and RE# 00036620-000000, AK# 1037460) – A request for two Transient Unit & License Transfers from property in the SF zoning district to property in the HRO zoning district per Section 122-1338(1) & (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item was postponed to the July 25<sup>th</sup> meeting.

8. **Variiances – 717 White Street (RE# 00022780-000000, AK# 1023574) - A request for side, street side and rear-yard setback requirements and detached habitable space to construct two buildings for use as a primary residence and satellite guest quarters with an art studio**

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space in the HRCC-3 zoning district per Sections 122-600(6) b, c & d and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the Variance request.

The applicant, Debra Yates, gave an overview of the request.

### **DRC Member Comments:**

#### **URBAN FORESTER:**

Ms. DeMaria stated applicant will need use a certified arborist and to ensure tree protection during construction, especially the roots around drip zone. Any tree to be removed must come before the Tree Commission and to allow enough time for review.

#### **FIRE DEPARTMENT:**

Mr. Blanco had concerns with life safety issues as the plan makes accessibility difficult. Applicant will need to work with the Fire Department regarding required 5ft. Set back as well as height and materials used for perimeter walls and fencing.

#### **HARC PLANNER:**

Ms. Torregrosa stated that this project will require HARC approval for demolition as the building is a historic structure and more information would be required. Applicant must provide more legible architectural drawings, elevations, floor plans and specific materials and colors to be used. If existing wall on city property, will need permission to demolish. Also noted zoning is HMDR not HRCC-3.

#### **ENGINEERING:**

Ms. Ignaffo requested applicant provide storm water management plan that provides treatment for one-inch over the project area. Roof gutter downspouts shall be directed into swale and landscaped areas.

#### **ADA COORDINATOR:**

Ms. Nicklaus had concerns with that if space is altered from residential to commercial context, must be ADA compliant. Also had concerns on driveway dimensions and that inspection and certification of cisterns must be completed by Building department.

#### **PLANNING DIRECTOR:**

Mr. Craig requested applicant provide site and floor plans with critical dimensions showing placement of structure on site. Variances will be needed for any walls or fences over six feet high. Also concerned future usage stays residential and not commercial.

#### **ART IN PUBLIC PLACES:**

No comments.

- 9. Variances – 411 Bahama Street (RE# 00006390-000200, AK# 8613482) - A request for side yard setback requirements to construct a two-story office and storage building in the HNC-1 zoning district per Section 122-810(6)b of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the Variance request.

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The applicant, Lynn Kephart, gave an overview of the request.

### **DRC Member Comments:**

#### **URBAN FORESTER:**

No comments.

#### **FIRE DEPARTMENT:**

Mr. Blanco would not recommend and had concerns with life safety issues as the plan makes accessibility difficult. Applicant will need to work with the Fire Department regarding zero setbacks and if fencing is on property line.

#### **HARC PLANNER:**

Ms. Torregrosa stated plans show that property line runs through the construction with zero setbacks between neighbor properties and asked that applicant provide more accurate and readable plans before proceeding.

#### **ENGINEERING:**

Ms. Ignaffo requested applicant establish and demonstrate the deck will support the proposed storage building.

#### **ADA COORDINATOR:**

Ms. Nicklaus stated that final drawings should be reviewed by Building department to ensure new construction is ADA compliant.

#### **PLANNING DIRECTOR:**

Mr. Craig had concerns as plans provided are unacceptable as dimensions unclear and show structure to be over property line. Applicant to provide better quality for review before building permit can be issued. Applicant must attend to all DRC comment before item can be sent to Planning Board.

#### **ART IN PUBLIC PLACES:**

No comments.

- 10. Variances – 308 Petronia Street (RE# 00014220-000000, AK# 1014605) - A request to waive the 5 required automobile parking spaces to allow an additional 15 seats at an existing take-out restaurant in the HNC-3 zoning district per Section 108-5739(c)(1) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Item was postponed to the July 18<sup>th</sup> meeting.

- 11. Conditional Use – 531 Whitehead Street (RE# 00010000-000000, AK# 1010278 aka 529 Whitehead Street) – A request to allow commercial sales accessory to a cultural and civic use in the HRO zoning district per Section 122-928 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the Conditional Use request.

The applicant, Lois Songer, gave an overview of the request.

### **DRC Member Comments:**

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### **URBAN FORESTER:**

No comments.

### **FIRE DEPARTMENT:**

Mr. Blanco had not objections after meeting with applicant. Oxygen used and propane lines are good but should verify with propane company.

### **HARC PLANNER:**

Ms. Torregrosa stated plans show propane tanks on concrete pad area will required HARC approval and must be screened or fenced and not compromise parking required. Any new signage will also require HARC approval.

### **ENGINEERING:**

Ms. Ignaffo requested applicant provide parking area plan that shows parking space configuration including dimensions and locations for trash storage and proposed oxygen tank and bollards.

### **ADA COORDINATOR:**

Ms. Nicklaus stated the existing building must be ADA compliant and that 20% of construction costs spent must be allocated for compliancy. Also would like one parking space dedicated ADA.

### **PLANNING DIRECTOR:**

Mr. Craig had concerns that part of building may be on Applerouth Lane over the right-of-way would require an easement but not clear on survey provided. Applicant will need license for awning overhang.

### **ART IN PUBLIC PLACES:**

No comments.

- 12. Major Development Plan & Conditional Use - 2407 North Roosevelt Boulevard (RE# 00002280-000100, AK# 8890613) – A request to construct dockage with 74 berths in the C-OW zoning district per Section 108-91 B. 2(c) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the Conditional Use request.

The applicant, Owen Trepanier, Trepanier & Associates, gave an overview of the request.

### **DRC Member Comments:**

### **URBAN FORESTER:**

Ms. DeMaria stated applicant will need Army Corps of Engineers permits before beginning project and will need to look into state requirements for mangrove pruning and impact onto pilings, etc.

### **FIRE DEPARTMENT:**

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Mr. Blanco had concerns with life safety issues and would like to see more information on fire protection and accessibility and would work with applicants to discuss these issues.

### **HARC PLANNER:**

No comments.

### **ENGINEERING:**

Ms. Ignaffo requested applicant provide Pursuant to Sec. 110-186, please provide project coordination letter and/or permit from ACOE and FDEP; benthic resource assessment of the entire project area; indicate locations for posting information signs; and provide a storm water management system plan for the upland areas, including the parking areas.

#### Survey

Please provide a survey that shows bay bottom elevations referenced to NAVD88.

#### Sanitary Sewer

Clean Vessel Act established federal grant program to pay for the installation of sewage pumpout facilities. Please see the FDEP website for additional information <http://www.dep.state.fl.us/cleanmarina/cva/>

Please provide a sanitary sewer collection/transmission and connection plan, based on established methods for estimating flow per highest use of the marina, Show the location for proposed restroom facilities. This system will require FDEP construction permit and operation authorization.

#### Potable Water

Please provide a water distribution and separate fire line plan, showing the location for backflow preventers, fire hydrants, fire hose boxes, and hose bibs. This system will require FDEP construction permit and operation authorization. Please coordinate with the FL Keys Aqueduct Authority.

#### Solid Waste

Please provide the estimate for the amount of trash to be generated by this proposed marina project and the current rate of trash produced by this site. Show the location for trash storage areas. All dumpster locations on site shall be screened, pursuant to Sec. 108-279. Trash storage areas shall be sized to include garbage and recycling storage.

#### Parking Area

Please provide a parking plan for the upland area, in conformance with Chapter 108, Article VII, including storm water drainage system, lighting plan, and landscape waiver.

The parking and storm water drainage and grading plan should encompass the Key West Lions Club parking area, in order to create a storm water management system that will ensure water quality standards are met for the proposed marina project.

#### ADA Accessibility

ADA accessible spaces and accessible route shall be provided, in accordance with the 2010 Florida Building Code: Accessibility, regarding number of parking spaces provided and accessible routes within the site and from parking spaces and North Roosevelt Boulevard.



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### **ADA COORDINATOR:**

Ms. Nicklaus stated that accessibility of facilities, restrooms and parking spaces must be ADA compliant which may require moving parking spaces and resurfacing roadway.

### **PLANNING DIRECTOR:**

Mr. Craig stated that a non-revocable parking agreement be established to account for both marina and hotel use so as to now share the same spaces and verify easement across Lion's Club property as only road access to marina. Applicant should seek legal counsel to look at conditions and permit approval requirements at State and Federal level before proceeding as well as city comprehensive plan regulations for water depth access.

### **ART IN PUBLIC PLACES:**

Mr. Moody noted that total cost of construction falls under the 1% ordinance and would work with applicants on art requirements for public accessibility or donation to the City.

## **ADJOURNMENT**

Meeting adjourned at 12:10 PM.

**Respectfully submitted by,  
Katrina Cool  
Administrative Assistant II  
Planning Department**