

# Minutes of the Development Review Committee

## March 27, 2014 **DRAFT**

**Planning Director, Don Craig called the Development Review Committee Meeting of March 14, 2014, to order at 9:03am 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, Police Department, Steve Torrence, HARC Planner, Enid Torregrosa, and Art in Public Places, Dick Moody

**Not present were:**, Recreation Director, Greg Veliz, Fire Department, Jason Barroso Building Official, Ron Wampler, Director of Transportation, Norman Whitaker, Sustainability Coordinator, Alison Higgins, and Urban Forestry Manager, Karen DeMaria.

**Comments provided by:** Urban Forestry Manager and Fire Department

**Also in attendance was Planning Department staff:** Kevin Bond, Brendon Cunningham, Carlene Smith and Stacy Gibson

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

Motion to approve the agenda was made by Ms. Enid Torregrosa and seconded by Mr. Dick Moody.

### **APPROVAL OF MINUTES**

Motion to approve the February 27, 2014 minutes was made by Ms. Enid Torregrosa and seconded by Mr. Dick Moody.

### **DISCUSSION ITEMS**

#### **New Business**

1. **Easement - 907 Frances Street (RE# 00021700-000000; AK# 1022454)** - A request for an easement ± 461.10 square feet along the rear property line on Havana Avenue in order to address encroachments of principal structure, existing cistern, shed, wooden fence, brick pavers and landscaping on property located within the Historic High Density Residential (HRCC-1) zoning district pursuant to Section 2-938 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 easement request.

The applicant, Ms. Lori Thompson, of Trepanier & Associates gave members an overview of the easement request

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

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**ART IN PUBLIC PLACES:**

No comments.

**URBAN FORESTRY MANAGER:**

No comments.

**POLICE DEPARTMENT:**

No comments.

**HARC PLANNER:**

Ms. Torregrosa stated she still has problems with the historic wall and cistern.

**PLANNING DIRECTOR:**

Mr. Craig stated that the previous easement required the removal of both the fence and the shed. The new owner comes with a request to amend the previous easement with conditions that were never fulfilled. In moving forward to the city commission, an approval or denial will be voted on with the imposition of the original conditions of the easement to accommodate the main structure.

**ENGINEERING:**

No comments.

**FIRE DEPARTMENT:**

Mr. Barroso stated that this is an existing situation. The fire marshal will reserve comments at this time. Once we receive planning department's recommendations and direction there may be additional comments at that time prior to the next scheduled city commission meeting.

2. **Minor Development Plan – 2800 Flagler (RE # 00065090-000100; AK # 8633394)** - A minor development request to construct 10 single-family houses on property located in the SF zoning district per Section 108-91 B.1.(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave members an overview of the minor development plan request.

The applicant, Mr. Randy Allen gave members an overview of the minor development plan request.

**DRC Member Comments:**

**ART IN PUBLIC PLACES:**

No comments.

**URBAN FORESTRY MANAGER:**

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Ms. DeMaria stated that the project has already been reviewed by the Tree Commission for removal of trees and clearing of upland areas of the property. Landscape plan must include all required replacements as per approved tree removal permit. Have no objections to requested landscape waiver (108-413) due to required wetland conservation easement.

### **POLICE DEPARTMENT:**

No comments.

### **HARC PLANNER:**

No comments.

### **PLANNING DIRECTOR:**

Mr. Craig stated prior to going to Planning Board, that the applicant have their engineer verify and certify that there will be no traffic interference with the flow of traffic on Flagler Ave. Mr. Craig wanted to make the applicant aware of some of the issues concerning the dock.

### **ENGINEERING:**

Ms. Ignaffo stated that the survey shows disturbed salt marsh wetlands along the Flagler Avenue property line, in an area designated for the proposed stormwater management system and landscape planting. Impacting wetland areas will require a permitted wetland mitigation plan, or possibly obtain transfer of permit authorization from SFWMD. Alternately, proposed plans could be adjusted to accommodate the wetlands.

### **FIRE DEPARTMENT:**

Mr. Barroso stated to maintain 5 ft. setbacks free & clear of any obstructions for accessibility. The Flagler St. emergency access gate if it remains emergency access only will need to be a minimum of 20 ft. If the emergency access gate becomes open for 2 way traffic for the residents, it will need to be wider than proposed. Applicant needs to have their engineer look at making a recommendation on the final dimensions.

3. **Variance – 617 Grinnell Street (RE # 00010940-000000; AK # 1011231)** – A request for variances to minimum front and side-yard setbacks in order to renovate an existing building on property located within the HHDR zoning district pursuant to Section 122-630(6)a.&b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

The applicant, Mr. Marty Higgins gave members an overview of the variance request

### **DRC Member Comments:**

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

No comments.

### **URBAN FORESTRY MANAGER:**

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Ms. DeMaria reminded property owners of the requirement to protect any trees near and within the project area during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

**POLICE DEPARTMENT:**

No comments.

**HARC PLANNER:**

Ms. Torregrosa stated that this project already went in front of HARC; approved in September of 2012. She explained the HARC approval time length and if the two years expires before building permits are pulled, an extension would be required.

**PLANNING DIRECTOR:**

Mr. Craig stated that it may be necessary to amend the original easement to recognize the removal of the larger encroachment. It would need to be discussed with staff and legal.

**ENGINEERING:**

No comments.

**FIRE DEPARTMENT:**

Mr. Barroso stated that the owner is cleaning up an existing setback problem with the side setback. Providing an improvement for accessibility for emergency responders  
Will need to maintain proposed new setbacks throughout the property free & clear of any obstructions as per plans. No other fire concerns at this time.

4. **Transient License Transfer - 807 Washington Street, Unit 102 (RE#00037807-000102; AK#9090034) to 1224 Duval Street (RE#00028970-000000; AK#1029751)** – A request for a Transient License Transfer of one license from property located in the HMDR zoning district to property located 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, Florida.

Mr. Cunningham gave members an overview of the transient license transfer request.

The applicant, Mr. Patrick Flanigan of Smith Oropeza, P.L. gave members an overview of the transient license transfer request

**DRC Member Comments:**

**ART IN PUBLIC PLACES:**

No comments.

**URBAN FORESTRY MANAGER:**

No comments.

**POLICE DEPARTMENT:**

No comments.

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**HARC PLANNER:**

No comments.

**PLANNING DIRECTOR:**

No comments.

**ENGINEERING:**

No comments.

**FIRE DEPARTMENT:**

Mr. Barroso stated the detached residential structure located at the back of the property smoke detectors shall be interconnected with the main home. This will provide notifications for all the residents in the event of activation. Shall come into compliance with transient life safety codes prior to C/O. Applicant will need a final inspection from fire marshal's office.

5. **Major Development Plan & Conditional Use – 1512 Dennis Street & 1515-1525 Bertha Street (RE # 00063400-000000; AK # 1063835)** - A request for major development plan and conditional use approval for the phased redevelopment of an existing nursing/convalescent home with the addition of 7 new living units and office and rehabilitation space on property located within the CL zoning district – pursuant to Sections 108-91.B.2.a.&b., 122-62 and 122-388(6) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave members an overview of the major development plan and conditional use request.

The applicant, Mr. Patrick Wright, of Trepanier & Associates, gave members an overview of the major development plan and conditional use request.

The applicant, Brian Green, President of AIDS Help, gave an overview of the background of the request.

**DRC Member Comments:**

**ART IN PUBLIC PLACES:**

Mr. Moody stated that AIDS Help has always been a significant contributor to the arts community.

**URBAN FORESTRY MANAGER:**

Ms. DeMaria stated there is an existing, open tree removal permit for this property for the removal of a coconut palm. The tree has been removed but the file is still open because a replacement has not been verified as being planted. Property owner should discuss this issue with the Urban She stated nice plant palette on the landscape plan. She would like to remind property owners of the requirement to protect any trees near and within the project area during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

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### **POLICE DEPARTMENT:**

Mr. Torrence has concerns regarding parking.

### **HARC PLANNER:**

Ms. Torregrosa stated the building is not in HARC. She suggested that the packet should have a demolition plan.

### **PLANNING DIRECTOR:**

Mr. Craig stated that the 7 units are new units and are subject to the new BPAS ordinance. Mr. Craig stated to look at that the one parking space underneath the building, one to the south, not sure it meets the requirements of access.

### **ENGINEERING:**

Ms. Ignaffo stated that based on the total number of units, please provide a solid waste generation quantity and resulting volume, number and type of waste containers, indicate dimensions for the storage area, and show how the containers will be located within the storage area. Please indicate how the solid waste & recycling storage area will be screened from the public. Please provide scooter parking areas, showing where they will be located within the site. Please provide a parking area lighting plan, noting lighting shall be provided for bicycle parking areas. Please show the propane tank location, or indicate propane tank will be removed.

### **FIRE DEPARTMENT:**

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. Life safety plan will be required and full size plans for review will need to be available for the meeting. There will be additional comments once this information has been received and will need to be done prior to the next scheduled planning board meeting.

6. **Variance – 1512 Dennis Street & 1515-1525 Bertha Street (RE # 00063400-000000; AK # 1063835)** – A request for variances to maximum building coverage, impervious surface ratio, front, side and rear-yard setback requirements in order to redevelop an existing nursing/convalescent home with the addition of 7 new living and 5,500 square feet of office and rehabilitation space on property located within the CL zoning district pursuant to Sections 90-395, 122-390(4)a.&b., (6) a.&b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

The applicant, Mr. Patrick Wright, of Trepanier & Associates, gave members an overview of the variance request.

### **DRC Member Comments:**

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

Mr. Moody stated that AIDS Help has always been a significant contributor to the arts community.

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#### **URBAN FORESTRY MANAGER:**

Ms. DeMaria stated there is an existing, open tree removal permit for this property for the removal of a coconut palm. The tree has been removed but the file is still open because a replacement has not been verified as being planted. Property owner should discuss this issue with the Urban Forester. She stated nice plant palette on the landscape plan. She asked, what are the existing trees on the property? She would like to remind property owners of the requirement to protect any trees near and within the project area during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

#### **POLICE DEPARTMENT:**

Mr. Torrence has concerns regarding parking.

#### **HARC PLANNER:**

Ms. Torregrosa stated the building is not in HARC. She suggested that the packet should have a demolition plan.

#### **PLANNING DIRECTOR:**

Mr. Craig stated that the 7 units are new units and are subject to the new BPAS ordinance. Mr. Craig stated to look at that the one parking space underneath the building, one to the south, not sure it meets the requirements of access.

#### **ENGINEERING:**

Ms. Ignaffo stated that based on the total number of units, please provide a solid waste generation quantity and resulting volume, number and type of waste containers, indicate dimensions for the storage area, and show how the containers will be located within the storage area. Please indicate how the solid waste & recycling storage area will be screened from the public. Please provide scooter parking areas, showing where they will be located within the site. Please provide a parking area lighting plan, noting lighting shall be provided for bicycle parking areas. Please show the propane tank location, or indicate propane tank will be removed.

#### **FIRE DEPARTMENT:**

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. Life safety plan will be required and full size plans for review will need to be available for the meeting. There will be additional comments once this information has been received and will need to be done prior to the next scheduled planning board meeting.

7. **Variance – 1314 Newton Street (RE # 00023000-000000, AK # 1023795)** – A request for a variance for detached habitable space on property located within the HMDR zoning district to Sections 90-395 and 122-1078 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 variance request.

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The applicant, Ms. Ginny Stones, of Stones & Cardenas, gave members an overview of the variance request.

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

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

No comments.

#### **URBAN FORESTRY MANAGER:**

Ms. DeMaria would like to remind property owners of the requirement to protect any trees near and within the project area during construction/demolition. Trees located within the work area that may need to be removed or trimmed may require permits from the Tree Commission.

#### **POLICE DEPARTMENT:**

No comments.

#### **HARC PLANNER:**

Ms. Torregrosa stated the application showed that the property does not require HARC. The property is in HARC; submit a corrected page of the application.

#### **PLANNING DIRECTOR:**

Mr. Craig had concerns regarding the application for detached habitable space. Due to the heightened scrutiny recently applied to the City, regarding detached habitable spaces, by the Department of Economic Opportunity; Mr. Craig wants to make absolutely sure there is no kitchen facility. The applicant stated there was not.

#### **ENGINEERING:**

Ms. Ignaffo stated to please construct gutters and downspouts on the structure roof, on the side along the property line. Applicant needs to direct downspout back onto property and into swale and landscape buffer areas.

#### **FIRE DEPARTMENT:**

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. There will be additional comments once this information has been received and will need to be done prior to administrative approval.

8. **Minor Development Plan – 2400-2440 North Roosevelt Boulevard (RE # 00065220-000000; AK # 1067849, RE # 00065220-000100; AK # 1063835)** – A request for minor development plan approval for the phased reconstruction of 7 existing guest rooms, existing public restrooms and add 5 parking spaces to meet ADA requirements on property located within the CG zoning district – pursuant to Section 108-91.B.1.a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Cunningham gave members an overview of the minor development plan request.

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The applicant, Mr. Anthony Sarno, of mbik2m Architects, gave members an overview of the minor development plan request.

**DRC Member Comments:**

**ART IN PUBLIC PLACES:**

No comments.

**URBAN FORESTRY MANAGER:**

No comments.

**POLICE DEPARTMENT:**

No comments.

**HARC PLANNER:**

No comments.

**PLANNING DIRECTOR:**

No comments.

**ENGINEERING:**

Ms. Ignaffo stated to please indicate the ADA accessible routes from the ADA accessible parking spaces to the buildings and site features.

**FIRE DEPARTMENT:**

Mr. Barroso stated to bring into compliance life safety codes for ADA Rooms.

9. **Variance – 1208 Von Phister Street (RE # 00040670-000000; AK # 1041386)** – A request for a variance for a fence to exceed the maximum height of 6 feet on property located within the SFR zoning district to Sections 90-395 and 122-1183 (d)(1)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

The applicant, Ms. Lori Thompson, of Trepanier & Associates gave members an overview of the variance request.

**DRC Member Comments:**

**ART IN PUBLIC PLACES:**

No comments.

**URBAN FORESTRY MANAGER:**

Ms. DeMaria stated that the property has already been through the Tree Commission. A lot of landscaping will be planted on the property as required by the tree removal permits.

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**POLICE DEPARTMENT:**

No comments.

**HARC PLANNER:**

Ms. Torregrosa stated that this property is not located in HARC. The front fence is not included in the application which needs to be clarified.

**PLANNING DIRECTOR:**

Mr. Craig stated that the correction of the zoning has to be made to SFR instead of HMDR for advertisement purposes when it moves forward to the Planning Board.

**ENGINEERING:**

No comments.

**FIRE DEPARTMENT:**

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. There will be additional comments once this information has been received and will need to be done prior to administrative approval.

10. **Change of Nonconforming Use – 208 Telegraph Lane (RE # 00001491-000500; AK # 9100238)** – A request for a change of nonconforming use on property located within the Historic Residential/Office (HRO) Zoning District pursuant to Section 122-32(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Item was postponed.**

11. **Variance – 1217 Royal Street (RE # 00029550-000000; AK # 1030317)** – A request for variances to maximum building coverage and minimum side setback in order to construct a rear second story balcony and deck on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395, 122-600(4)a. and 122-600(6)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 variance request.

The applicant, Mr. Patrick Flanigan of Smith Oropeza, P.L. gave members an overview of the variance request

**DRC Member Comments:**

**ART IN PUBLIC PLACES:**

No comments.

**URBAN FORESTRY MANAGER:**

No comments.

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**POLICE DEPARTMENT:**

No comments.

**HARC PLANNER:**

Ms. Torregrosa stated she had no concerns regarding HARC.

**PLANNING DIRECTOR:**

Mr. Craig stated that the site plan has to have a dimension added regarding the air conditioners to be within the 5' setbacks.

**ENGINEERING:**

No comments.

**FIRE DEPARTMENT:**

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. There will be additional comments once this information has been received and will need to be done prior to administrative approval.

12. **Variance – 1119 Olivia Street (RE # 00022290-000000; AK # 1023078)** – A request for administrative variances to minimum side setback, minimum street side setback and minimum rear setback in order to construct a new gable end roof structure over an existing deck and new small shed roof structures above existing doors on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 90-398, 122-630(6)b., 122-630(6)c. and 122-630(6)d. 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 variance request.

The applicant, Mr. William Shepler gave members an overview of the variance request.

**DRC Member Comments:**

**ART IN PUBLIC PLACES:**

No comments.

**URBAN FORESTRY MANAGER:**

No comments.

**POLICE DEPARTMENT:**

No comments.

**HARC PLANNER:**

Ms. Torregrosa stated the survey does not show existing conditions. The survey shows that the fence on Ashe Street is located on City property.

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### **PLANNING DIRECTOR:**

Mr. Craig stated the survey is 6 years old, therefore not valid. A new survey is needed to be able to assess the variance and the fence.

### **ENGINEERING:**

No comments.

### **FIRE DEPARTMENT:**

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. There will be additional comments once this information has been received and will need to be done prior to administrative approval.

13. **Administrative Variance – 527 Margaret Street (RE # 00008020-000300; AK # 8743611)** – A request for administrative variance to the minimum rear setback in order to remove and replace a portion of an existing single-family residence on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 90-398 and 122-630(6)c. 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 variance request.

The applicant, Mr. William Shepler gave members an overview of the variance request.

### **DRC Member Comments:**

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

No comments.

### **URBAN FORESTRY MANAGER:**

No comments.

### **POLICE DEPARTMENT:**

No comments.

### **HARC PLANNER:**

Ms. Torregrosa stated she would rather meet with the applicant to try to understand the project.

### **PLANNING DIRECTOR:**

Mr. Craig stated the survey is very old, therefore not valid. A new survey is needed to be able to assess the variance. Mr. Craig stated that onsite photos would be helpful to be in the packet prior to Planning Board.

### **ENGINEERING:**

No comments.

### **FIRE DEPARTMENT:**

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Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. There will be additional comments once this information has been received and will need to be done prior to administrative approval.

**ADJOURNMENT**

Meeting adjourned at 11:06am

**Respectfully submitted by,**  
*Stacy L. Gibson*  
*Administrative Assistant II*  
*Planning Department*