

EXECUTIVE SUMMARY



To: Greg Veliz, City Manager

Through: Katie P. Halloran, Planning Director

From: Melissa Paul-Leto, Planner I

Meeting Date: April 6, 2021

RE: **Easement – 210-216 Duval Street (RE # 00001420-000000)** – A request for an Easement Agreement for a proposed encroachment of 403.53 square feet, more or less, to reconstruct three (3) second-story balconies that would extend onto Duval Street right-of-way adjacent to property located within the Historic Residential Commercial Core-Duval Street Gulfside (HRCC-1) zoning district, pursuant to Section 2-938(b)(3) of the Code of Ordinances of the City of Key West, Florida.

ACTION STATEMENT:

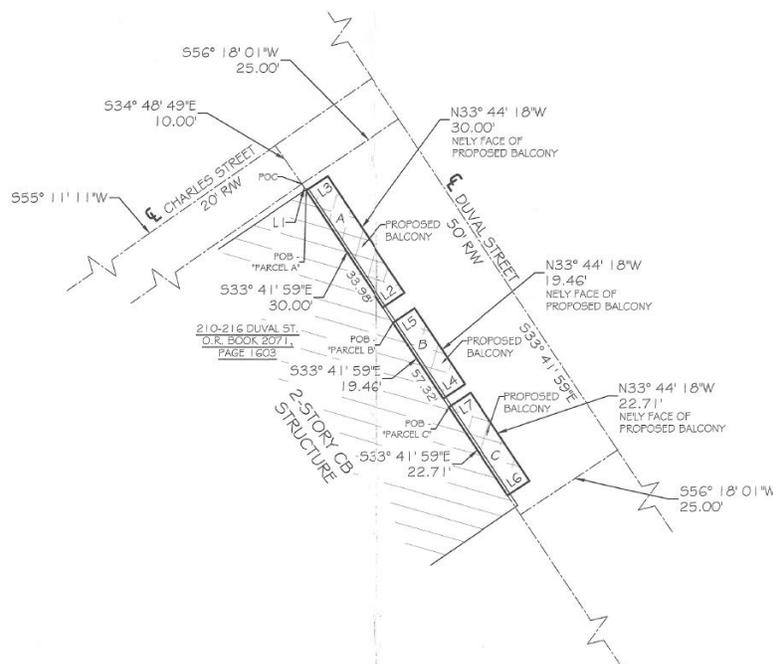
Request: To grant an easement in order to reconstruct three (3) second-story balconies, that would extend onto the Duval Street right-of-way for 403.53 square feet.

Applicant: Richard Milelli, Meridian Engineering, LLC

Property Owners: 210 Duval Street LLC

Location: 210-216 Duval Street (RE # 00001420-000000)

Zoning: Historic Residential Commercial Core-Duval Street Gulfside (HRCC-1)



210-216 Duval Street

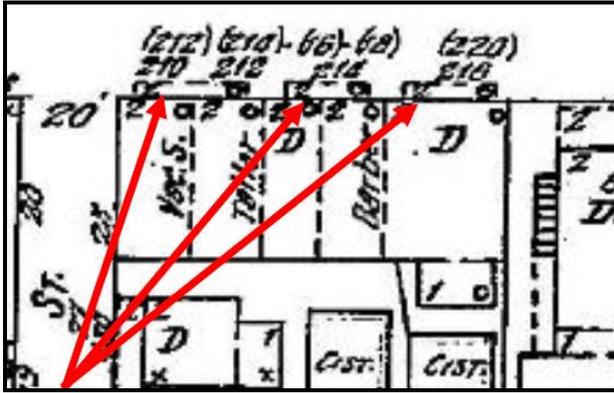
BACKGROUND:

This is a request for an easement pursuant to Section 2-938 (b)(3) of the Code of Ordinances of the City of Key West. The easement request is for a total of 403.53 square feet, more or less, to reconstruct three (3) second-story balconies that would be encroaching onto the Duval Street right-of-way as shown on the attached specific purpose survey. Per HARC staff: The two-story structure is a historic, contributing building in the Key West Historic District. The existing two-story, stucco structure was built in the late 19th century. Early Sanborn maps show that the first floor of the building served commercial purpose as the location for a printing office, dress maker, tailor, barber, and other businesses, while the second floor was likely utilized for residential space. Historic photos show that the building at 3210-216 Duval Street originally had wood lap siding and three second-story porches fronting Duval Street. These balconies are also noted on early Sanborn maps from 1889 and 1912. The proposed porch reconstruction closely replicates the original porches and is compatible in design, size, scale, and material with the historical character of the building. The proposed balconies dimensions are the following: Parcel A balcony would be 5 feet deep and 30 feet wide, Parcel B balcony would be 5 feet deep and 19'-5 ½" wide, and Parcel C balcony would be 5 feet deep and 22'-8 ½" wide. Based on the submitted historic photographs, the porches and their proposed configuration were once a significant feature of the building.

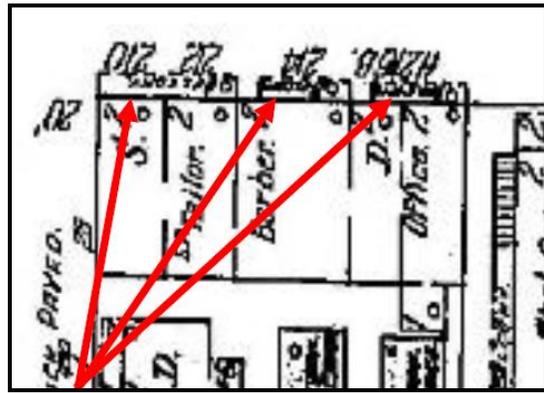
Per Section 102-154. – Compliance with certain federal standards. The U.S. Secretary of the Interior's Standards for Rehabilitation recommendation for the design of missing historic entrances and porches reads, "It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building." Historical Sanborn maps and photos serve as the basis for the reconstruction of the three porches facing Duval Street.



Historic photo from 1909 showing 210-216 Duval Street with wood lap siding and three second-story porches facing Duval Street.



1899 Sanborn map showing three balconies



1912 Sanborn map showing three balconies

City Actions:

Development Review Committee:

May 28, 2020

City Commission:

April 6, 2021

PLANNING STAFF ANALYSIS:

As described in the Specific Purpose Surveys drawn by Eric A. Isaacs, P.S. of Florida Keys Land Surveying, dated February 21, 2020, the area of the easement request is for a total of 403.53 square feet more or less.

- On December 17, 2019 – HARC application #H2019-0050 - The Key West Historic Architectural Review Commission approved the reconstruction of three (3) second-story porches with two conditions. The first was that approval be subject to submission and approval by staff of balcony details and any cantilever brackets/support. The second was that approval be subject to securing an easement for the balconies overhanging City right-of-way.
- On January 29, 2021 – The City of Key West Urban Forestry Manager performed a site-visit with the project engineer, Rick Milelli, to measure out exactly where the balcony will overhang the sidewalk and its relationship to the City street tree (see attached photos). A tree protection plan was submitted and approved.

TREE BRANCHES WILL BE TRIMMED BY CERTIFIED ARBORIST PRIOR TO BALCONY WORK

TREE TO PROTECT



TREE TO PROTECT



A site visit was conducted on March 3, 2021. The encroachment does not impede public passage.

If the request for the easement over City-owned land is granted, then the Owners would be required to pay an annual fee of \$400.00 to the City for the use of 403.53 square feet, more or less, of city property pursuant to Code Section 2-938(b)(3). The annual fee would be pro-rated based on the effective date of the easement.

Options / Advantages / Disadvantages:

Option 1. Approve the easement request of approximately 403.53 square feet on the Duval Street right-of-way in order to reconstruct three (3) second-story balconies with the following dimensions: Parcel A balcony – 5’ deep and 30’ wide, Parcel B balcony – 5’ deep and 19’-5 ½” wide, Parcel C balcony – 5’ deep and 22’- 8 ½ “ wide with the following conditions:

1. The easement shall terminate upon the removal of the proposed second-story balconies.
2. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. The Owners shall pay the annual fee of \$400.00 specified in Code Section 2-938(b)(3).
4. The Owners shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachments if the annual fee required by the Code of Ordinances is not paid.
5. Prior to the easement becoming effective, the Owners shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000.00. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office’s (ISO) latest filed Commercial General Liability form. Grantees shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as “Additional Insured”.
6. The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
7. The City reserves the right to construct surface or sub-surface improvements within the easement areas.

8. The areas to construct the proposed second-story balconies with the following dimensions: Parcel A balcony – 5' deep and 30' wide, Parcel B balcony – 5' deep and 19'-5 ½" wide, Parcel C balcony – 5' deep and 22'- 8 ½ " wide onto Duval Street shall be the total allowed within the easement area.
9. To the fullest extent permitted by law, the Owners expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents, and employees (herein called the "indemnitees") from any and all liability for damage.

RECOMMENDATION:

Option 1.

Based on the existing conditions, the Planning Department recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested easement with conditions as outlined above.

Consistency with the City's Strategic Plan, Vision and Mission: Granting the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: The City would collect \$400.00 annually as part of the approval of the requested easement.

Option 2.

Deny the easement request with the following conditions:

1. The Owner will obtain the appropriate permits for the removal of all items that encroach onto the City right-of-way.
2. All encroachments on the City right-of-way will be removed within 90 days.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the easement. The City would however lose the potential to collect the revenue of the easement agreement.