

## Minutes of the Development Review Committee

### Meeting of February 25, 2010

Amy Kimball-Murley, Planning Director, convened a meeting of the Development Review Committee of the City of Key West at 2:05 PM, February 25, 2010. The meeting was held at the Old City Hall, in the antechamber at 510 Greene Street, Key West.

#### 1. Roll Call

##### Present for the Roll Call were:

Amy Kimball-Murley, Planning Director  
John Cruz, Building Representative  
Diane Nicklaus, ADA Coordinator  
Enid Torregrosa, HARC Planner  
Steve Torrence, KWPD

Alan Averette, Fire Department  
Gary Bowman, General Services  
Cynthia Domenech-Coogle, Landscape Coordinator  
Myra Wittenberg, FDOT

##### Planning Staff:

Brendon Cunningham  
Nicole Malo

Ashley Monnier  
Carlene Cowart

##### Comments received from:

Aqueduct Authority

Keys Energy

#### 2. Approval of Agenda

Mrs. Kimball-Murley informed members that Mr. Bowman is in a meeting and would like item 4a moved to the end of the agenda so that he can be present for comments.

A motion to approve the agenda as AMENDED was made by Mr. Torrence and seconded by Ms. Torregrosa.

Motion carried by unanimous voice vote.

SO ORDERED.

#### 3. Approval of Minutes

Minutes were not ready for approval.

#### 5. New Business

- a. **Variance – 400 South Street (RE# 00036390-000000) – A variance to the allowed wall height and location within the coastal construction control line on a property located within the Historic Commercial Tourist (HCT) zoning district for property located at 400 South Street per Section 122-1183 and 122-1148 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Brendon Cunningham gave an overview of the variance application to members. He informed members that references made in the report were not provided. The applicant's legal representative was not present; however, the property manager, Liz Laire, gave members an overview. She clarified for members that they would like changes made to the west side of the wall. Members informed Mrs. Laire that the plans indicate the west and south side. Mrs. Laire indicated on the site plan where the changes would occur.

Mr. Cunningham then informed members concerns addressed by Mr. Bowman. Mr. Bowman is requesting the photos, figures and hydraulic model study referenced in the Engineer's report. As well as results of the wave run-up, calculation details and overtopping analysis as noted on Attachment A.

Mrs. Kimball-Murley suggested that staff do a site visit with the property manager since the plans do not reflect what the property manager is stating is requested.

Mr. Averette stated that he does not think the Fire Department would have an issue; however, he would need to see an accurate set of plans.

Mrs. Wittenberg had no comments.

Ms. Torregrosa stated that the applicant would need to seek HARC approval. She then requested a survey that indicates the current height, site plans with detailed elevations and site photographs prior to making any recommendations.

Mrs. Nicklaus had no comments.

Mr. Cruz requested to see more clarifications on plans. He then asked Mrs. Laire if approval has been sought from the Army Corp of Engineers. Mrs. Laire informed members that all approvals have been obtained.

Mr. Torrence requested that this request be deferred until complete information has been submitted.

Mrs. Domenech-Coogle informed Mrs. Laire that she tried to reach the gardener to find out if any trees were in the way of the proposed construction. Mrs. Laire stated that there is a driveway next to the proposed construction.

Mrs. Kimball-Murley informed Mrs. Laire that we will need the following information brought back to the DRC for review:

- Accurate set of plans that clearly describe the work, elevations that are dimensioned, indication of main high water line, and the section identified;
- Indicate on the elevations how the wall relates to the existing historic structure or additions to that structure;
- Photographs of the area involved;
- Survey of existing conditions that show the existing heights of the area proposed;
- Provide any background agency permits;
- Additional information on coastal impact issues to include appendices.

Mrs. Cowart informed members that Keys Energy and the Aqueduct Authority had no objections to this variance request.

**b. Modification to a Major Development Plan and Conditional Use – 512 Greene Street (RE# 00001170-000000) – A Modification to a Major Development Plan and a Conditional Use in the HRCC-1 zoning district per Section 108-91C(3) and (4) and Section 122- 63(e) of the of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Nicole Malo handed out revised site plans and then gave members an overview of the modification to a major development plan and conditional use.

Mrs. Kimball-Murley inquired about the consumption area shown on a former site plan. Ms. Malo informed members that there was an outdoor consumption area when it was previously occupied by a Thai restaurant.

The applicant's representative, Owen Trepanier with Trepanier and Associates, gave members an overview of the request.

Mr. Bowman addressed the dimensions of the driveway and asked the applicant if Waste Management would be picking up or if they would be using manual push receptacles. Mr. Trepanier stated that staff would push trash receptacles. Mr. Bowman then stated that stormwater is okay if calculations have not changed.

Mrs. Domenech-Coogle informed members that she spoke with Waste Management and that hand carts will be rolled onto Ann Street.

Mrs. Kimball-Murley requested that the applicant clearly describe on the application the trash collection and the concurrence with Waste Management.

Mrs. Domenech-Coogle praised the applicant and Mr. Bowman on how they were able to put all the swales on this tiny property. She then informed the applicant that a buffer has to exist. If it is in the form of a fence then it has to be solid or double sided. If a fence is placed, she is concerned about the upper buffer from noise since there is a two story house next door. Maybe even add buffers on the opposite side of the fence since it is the same owner. She suggested maybe placing a tree or palm between each parking space to help buffer the noise and place a bumper to keep cars from going into the fence.

Mrs. Domenech-Coogle suggested that placement of the trash receptacles be moved behind the landscaping, to avoid blocking the landscaping.

Mr. Averette had concerns about the turning radius. Mr. Trepanier stated that scooter/bicycle parking can be moved if necessary.

Mrs. Wittenberg suggested that the applicant designate the parking spaces for compact vehicles and swap out the trash location with the handicap parking spaces.

Ms. Torregrosa informed the applicant that the fence would need HARC approval and to ensure that the final version reflects the approved plans.

Mrs. Kimball-Murley asked for more background information regarding the previous consumption area. She then stated that consumption area stimulates parking requirements and that the Planning Board supported exterior courtyard as a consumption area. She then informed the applicant that the landscape plan would need to be signed and sealed by a landscape architect.

Mrs. Nicklaus stated that ADA access isle needs to be 5' wide, two ADA parking spaces can share an access isle and that bicycle/scooter parking cannot be located to the left of any ADA parking. She then informed the applicant that ADA requirements state that a 44" pathway is required to avoid walking behind vehicles. She also requested that the pathway from one consumption area to another meet ADA compliance. Ms. Malo stated that there is a not a passageway between exterior consumption area.

- c. **Variance – 512 Greene Street (RE# 00001170-000000) – A variance request for 5.5 feet from the 24 feet required to the 18.5 feet proposed for the width of a two-way driveway with 90 degree parking space angles in the HRCC-1 zoning district per Section 108-641 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Nicole Malo gave members an overview of the variance request.

Mr. Averette requested that the site plans indicate the width of Ann Street.

Mr. Bowman had no comments.

Mrs. Domenech-Coogle informed the applicant that due to the changes, they will need to submit a redesign of the landscape plan to include removing the buffer from the fence.

Mrs. Wittenberg had no comments.

Ms. Torregrosa informed the applicant that they will need to submit updated site plans to HARC.

Mrs. Kimball-Murley informed the applicant that backing onto Ann Street is prohibited by the Code. She then urged the applicant to ensure that the public safety component of the variance request is clearly demonstrated. Lastly, she asked that the applicant communicate with neighbors and follow the good neighbor policy.

Mrs. Nicklaus had no comments

Mr. Cruz had no comments

Mrs. Cowart informed members that Keys Energy and the Aqueduct Authority had no objections to this variance request.

### 3. Old Business

- a. Major Development Plan and Conditional Use – 5555 College Road (RE# 00072080-001400) – A Major Development Plan and Conditional Use Application within the commercial general (CG) zoning designation for the installation of stacked boat racks at Sunset Marina per Section 108-31 and Section 122-61 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

The applicant's representative, Joanne Alexander, gave members an overview of the major development plan and conditional use request.

Mrs. Monnier gave members a summary of the applicant's request and informed members of the changes to the application since the last DRC on September 2009. She stated that there were some inconsistencies with some of the calculations and will coordinate with the applicant to update the information.

Mr. Bowman voiced his concern that the site plans indicate that the stormwater runs from the retention area through the parking lot into tidal waters, causing pollutants underneath the racks to discharge into the basin. Mr. Bowman will contact George Hermanson to discuss the specifics.

Mrs. Domenech-Coogle informed members that the applicant obtained a permit from the Tree Commission.

Mrs. Kimball-Murley asked Mrs. Domenech-Coogle if the applicant had resolved everything relative to the original conditions listed on the settlement agreement. Mrs. Domenech-Coogle stated that the 2<sup>nd</sup> and 3<sup>rd</sup> page attached to the permit identifies and corrects the conditions on the agreement.

Mrs. Alexander informed Mr. Averette that no matter what size boat is on the racks, there will be 20' clearance.

Mrs. Wittenberg and Ms. Torregrosa had no comments.

Mrs. Nicklaus informed that applicant that two handicapped spaces can share an access isle; however, the access isle needs to be on the passenger side.

Mr. Cruz had no comments.

Mr. Torrence inquired if the area is secure and has proper lighting. Mrs. Alexander stated that the area is not fenced in but is surrounded by landscape with the exception of the driveway. She then added that the location is well lit and has 24 hour security monitoring.

Mrs. Cowart informed members that Keys Energy had no objections to this request.

#### **4. Adjournment**

A motion to adjourn was made by Mr. Torrence and seconded by Nicklaus.

Motion was carried by unanimous voice vote.

Meeting adjourned at 3:35 pm.

Respectively Submitted,

Carlene Cowart  
Development Review Administrator