

Minutes of the Development Review Committee

Meeting of March 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, March 25, 2010. The meeting was held at 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 Woodson, Building Official
Enid Torregrosa, HARC Planner
Steve Torrence, KWPD

Alan Averette, Fire Department
Gary Bowman, General Services
Myra Wittenberg, DOT Director

Planning Staff:

Brendon Cunningham
Nicole Malo

Ashley Monnier
Carlene Cowart

Comments received from:

FKAA

Keys Energy

2. Approval of Agenda

Mrs. Kimball-Murley suggested that item 5b be moved to the end of new business.

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

3. Approval of minutes

a. January 28, 2010

A motion to approve the DRC minutes of January 28, 2010 was made by Mr. Woodson and seconded by Mr. Torrence.

b. February 25, 2010

A motion to approve the DRC minutes of February 25, 2010 was made by Mr. Torrence and seconded by Mrs. Wittenberg.

4. Old Business

- a. **Major Development Plan - 5701 College Road (RE# 00072080-000500) - An approval of a Major Development Plan pursuant to Section 108-196 of the Land Development Regulations under the Code of Ordinances of the City of Key West, Florida. Please note that this site plan has been modified in response to City Commission concerns regarding the development program.**

Mrs. Kimball-Murley gave members an overview of the major development plan. She stated that this item would not go back to planning board but will be heard at City Commission.

Members had no comments.

Mrs. Wittenberg thanked the Planning Department for their hard work and patience.

b. Variances – 1509 South Street (RE# 00043350-000000) – A variance request for building coverage and impervious surface ratio in the Single Family zoning district per Sections 122-238 (4)(a), and 122-238 (4)(b)(1) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mrs. Monnier gave members an overview of the updated variance request. She stated that members were concerned about life safety issues at the previous DRC meeting, as well as a potential illegal unit issue. The plans have been revised to address those concerns. No longer is the applicant requesting a variance for detached habitable space. The applicant proposes to demolish the structure and rebuild it in its existing footprint. In addition, the applicant proposes to add a second floor to the structure, which will be used as a bedroom.

Mr. Averette did a walkthrough with the Fire Marshall and the current plans meet fire codes.

Mrs. Wittenberg, Ms. Torregrosa and Mr. Bowman had no comments.

Mr. Torrence requested that the property address be clearly visible from the street.

Mr. Woodson asked for clarification on the structure. Mrs. Monnier stated the building is attached and ingress and egress are from within the main house.

Mrs. Kimball-Murley asked the applicant if the second unit has been eliminated. The applicant informed Mrs. Murley that there is not a second unit. Mrs. Kimball-Murley expressed her concern and stressed that an unrecognized unit can not be condoned.

The following member of the public spoke on the matter:
Dan Metzler, 1511 South St.

Mrs. Kimball-Murley addressed the speakers concern and reminded the applicant that the variance criteria strongly encourages exercising the good neighbor policy.

The applicant informed members that Mrs. Domenech-Coogle approved the removal of a tree.

Mrs. Cowart stated that Keys Energy had no objections.

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

The applicant's representative, Christian Cruz with the Smith Law Firm, stated that he will provide the EPA approved wall height variance.

Mrs. Kimball-Murley informed the applicant that he would need to resolve if the structure is a coastal protection structure, a wall, or a bulkhead since it may trigger other aspects of the code.

Mr. Averette inquired about the height of the south sea wall compared to the west sea wall. The applicant stated that the west wall will remain at its current height.

Mrs. Wittenberg inquired what the projection forecast is for the Army Corps of Engineers. The applicant stated that their forecast standard is a 100 year storm.

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Mrs. Torregrosa informed the applicant that she will need more information regarding the 10ft setback from the front property line listed on Figure 5. She then inquired if the height proposed was measured from the existing ground of the building or from the right-of-way. The applicant stated it is measured from the crown of the road. Mrs. Torregrosa stated that HARC approval will be required.

Mr. Bowman requested an elevation survey. Mrs. Kimball-Murley requested that the elevation on the land side of the bulkhead be shown on the survey.

Mr. Torrence urged the applicant to be more prepared since this is the second time this has come before DRC.

Mr. Woodson suggested that they obtain Army Corps of Engineer approval. Mrs. Kimball-Murley stated that the Federal Corps of Engineer had jurisdiction.

d. Conditional Use – 1010 Kennedy Drive (RE# 00065650-000500) – A conditional use for proposed cellular telephone facility with ground level utility pole and three rooftop equipment shelters in the CG zoning district per Section 122-418 (9) 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 conditional use and variance request for 1010 Kennedy Drive. He stated that the application had been modified to reflect the new design.

The applicant's representative, Elizabeth Newland, informed members that they have held three public meetings. She handed members copies of the advertised meetings. She then stated that she met with Mrs. Domenech-Coogle regarding landscaping; changes will increase the pervious area.

Mr. Averette asked the applicant what would be stored in the equipment room. The AT&T representative, Alfredo Amoedo, stated that fuel and generators will not be stored inside the equipment room just radio equipment.

Mrs. Wittenberg, Ms. Torregrosa and Mr. Bowman had no comments.

Mr. Torrence stated that police cruisers often encounter dead spots in the area and are unable to use their mobile data system.

Mr. Woodson stated there are a lot of dropped calls in the area.

The following member of the public spoke on the matter:

Liz Lair, 400 South Street

Rick Richter, 104 Palmetto Drive

Mr. Amoedo addressed Mr. Richter's comment, stating that additional generators for outages are a good idea.

Mrs. Cowart stated that Keys Energy had no objections.

e. Variance – 1010 Kennedy Drive (RE# 00065650-000500) – A Variance for height of 85 ft. above the allowed 40 ft. with a total of 125 ft. in height for a cellular telephone tower in the Commercial General (CG) zoning district per Sections 122-420 (3) & 122-1149 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Members had no comments.

Mrs. Kimball-Murley requested that the applicant provide a structural safety assessment. She then stated that one criteria for the variance is if minimum height sought is necessary to accomplish this

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need relative to the structure. She then reminded the applicant about maintaining good neighbor policy.

The following member of the public spoke on the matter:

Rick Richter, 104 Palmetto Drive

- f. Conditional Use – 1500 Reynolds (RE# 00037160-000100) – A conditional use for proposed wireless antenna mount on rooftop equipment shelter in the HCT zoning district per Section 122-898 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Cunningham gave an overview of the conditional use request.

Mr. Averette inquired about the utility closet. Mr. Amoedo stated that fuel and generators would not be stored in the utility closet.

Mrs. Wittenberg had no comments.

Ms. Torregrosa requested that the applicant indicate on their application that they are within the historic district. She then clarified that there is no previous HARC approval number but a resolution number. The applicant stated that he assumed there was a previous HARC approval due to a resolution number.

The applicant informed members that he had consulted with an environmentalist on this project.

Mr. Bowman had no comments.

Mr. Torrence stated this will improve radio capabilities.

Mr Woodson stated the tower must meet the 100mph wind load.

Mrs. Kimball-Murley inquired about the fall radius. Mr. Amoedo stated it is not a tower it is an antenna.

The following member of the public spoke on the matter:

Rick Richter, 104 Palmetto Drive

Mrs. Cowart stated that Keys Energy had no objections.

- g. Variance – 1500 Reynolds (RE# 00037160-000100) – A variance request for height of 27 ft. above the allowed 35 ft. with a total height of 62 ft. for a proposed wireless antenna mount on a rooftop equipment shelter in the HCT zoning district per Section 122-900 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mr. Cunningham gave an overview of the variance request.

Members had no comments.

The following member of the public spoke on the matter:

Rick Richter, 104 Palmetto Drive

5. New Business

- a. Exception for Outdoor Display - 901 Caroline Street (RE# 00072082-004504) – An application for Exception for Outdoor Merchandise Display, to allow the display of merchandise sold in-store in the HRCC-2 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Monnier gave members an overview of the exception for outdoor display request. She requested the applicant list on the application everything that she would like displayed. She then informed the applicant that the Planning Board can grant up to a 60 month approval but has the discretion to minimize the approval time and to revoke the approval.

Mr. Averette asked the applicant if members of the public can get in and out safely. The applicant stated that there was enough room for walkthrough traffic.

Mrs. Wittenberg, Ms. Torregrosa, Mr. Bowman, Mr. Torrence and Mr. Woodson had no comments

Mrs. Kimball-Murley requested that the site plans meet all requirements and that all dimensions be clearly identified.

Mrs. Cowart informed members that Keys Energy and FKAA had no objections.

- c. **Variance – 515 Margaret Street (RE#00007960-000200) – A variance request for reconstruction of a non-conforming structure which exceed 66% of the value of the structure including variances to building coverage, front yard, northerly side interior yard, and rear yard setbacks in the Historic High Density Residential zoning district per Section 122-28(b), and Sections 122-630(4)a and (6)a, b, and c of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

and

- d. **Variance - 517 Margaret Street (RE# 00007960-000000) – A variance request for reconstruction of a non-conforming structure which exceeds 66% of the value of the structure including variances to front yard, southerly side interior yard, and rear yard setbacks in the Historic High Density Residential zoning district per Section 122-28(b), and Sections 122-630(6)a, b, and c of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Malo gave members an overview of the variance requests for 515 and 517 Margaret. Ms. Malo clarified for members that both structures exceeds 66% rule.

The applicant gave members an overview of the variance request.

Mr. Woodson stated he is familiar with the location.

Mr Torrence requested that the property address be clearly visible from the street.

The applicant clarified for Mr. Bowman that there is a gap for drainage between the decks.

Ms. Torregrosa stated that the applicant received staff approval.

Mrs. Wittenberg and Mr. Averette had no comments.

Mrs. Cowart informed members that Keys Energy and FKAA had no objections.

- b. **Minor Development Plan – Poinciana Housing Special Needs Area off the 3200 Block of Duck Avenue/Spalding Court (RE# 00064740-000000) – An application for Minor Development Plan to construct a 9-unit housing facility for chronically homeless women in the MDR-1 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.**

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Mrs. Monnier gave members an overview on the minor development plan request. Mrs. Monnier asked the applicant for clarification on the following:

- Mrs. Monnier wanted clarification that their target start date was June 30, 2010;
- She referenced on page two the 10 year time line and inquired what would happen after 10 years;
- The application is framed to use floor area ratio instead of traditional density. However to use this approach certain criteria must be met. Will food and care be provided on site?
- Who will live in the remaining 11 units? Application indicates 5 of 16 rooms reserved for “chronically homeless” with children.

The applicant, Elmira Leto, informed Mrs. Monnier that after the 10 years their goal is to continue to house the homeless. She then stated that food and care will be provided on site and the remaining 11 units will be housed by homeless women.

Mrs. Kimball-Murley informed the applicant to make information explicit on the application and suggested that the applicant meet with Mr. Craig.

Mr. Averette had no comments.

Mrs. Wittenberg disclosed that she is a board member for the organization and is very familiar with the project.

Ms. Torregrosa, Mr. Bowman, Mr Torrence and Mr. Woodson had no comments.

The applicant informed members that Tom Pope is working with Mrs. Domenech-Coogle.

Mrs. Cowart informed members that FKAA stated that this site has a 6” water main located on Spalding Court, which seems capable of serving this project. A complete set of plans will be required for review to determine meter requirements and system development charges.

Mrs. Cowart then informed members that Keys Energy stated that the customer will need to have three or four pole line extensions. The available voltage will be 120/240 single phase or 120/208 three phase. The customer will need to submit a full set of plans and a project review form. This will insure adequate power for the customer and the surrounding customers. Keys Energy is also requesting that Samuels House and AIDS Help coordinate on the line extension. There is a possibility that both agencies could save some money.

6. Discussion Items

There were no discussion items.

7. Adjournment

A motion to adjourn was made by Mr. Bowman and seconded by Ms. Torregrosa.

Motion was carried by unanimous voice vote.

Meeting adjourned at 2:50 pm.

Respectively Submitted,

Patrick Wright
Administrative Coordinator