

Minutes of the Key West Historical Architectural Review Commission

March 28, 2012

Approved – April 11, 2012

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Call Meeting To Order

Chairman Rudy Molinet called the Key West Historical Architectural Review Commission (HARC) Meeting of March 28, 2012 to order at **5:30 pm** at Old City Hall, in the antechamber at 510 Greene Street, Key West.

Pledge of Allegiance to the Flag

Roll Call

Commissioners present include: Donna Bosold, Theo Glorie, Maggie Gutierrez, Daniel Metzler, Michael Miller, Vice Chairman Bryan Green, and Chairman Rudy Molinet.

Also, present from City staff: Assistant City Attorney Ron Ramsingh, Historic Perseveration Planner Enid Torregrosa, IT Ian Willis, and Recording Secretary Jo Bennett.

Approval of Agenda

Chairman Rudy Molinet inquired as to any changes to the agenda. Enid Torregrosa stated that item #11 has been postponed due to a posting issue.

Actions/Motions:

A motion was made by Mr. Daniel Metzler, seconded by Mr. Theo Glorie, that the Agenda with changes be **Approved**. The motion **Passed** by a unanimous voice vote.

Approval of Minutes

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Actions/Motions:

A motion was made by Ms. Donna Bosold, seconded by Mr. Daniel Metzler, that the Minutes be **Approved**. The motion **Passed** by a unanimous voice vote.

HARC Planner's Report

Ms. Torregrosa reported she had a discussion with John Woodson the City's Chief Building Official concerning the question at the last meeting about replacing windows and the new building codes, which went into effect on March 15. Ms. Torregrosa stated that Mr. Woodson informed her that the Historic Structures element of the existing Structure Building Code remains the same.

Ms. Torregrosa also reported that the Solar Panels Ordinance will go before the City Commission for the first reading on April 3rd. Mr. Green was thanked for his hard work for this Ordinance.

Assistant City Attorney's Report

Mr. Ramsingh stated that the updates to the Demolition Ordinance were approved at the Planning Board Meeting the previous night. Mr. Ramsingh added that the next step is City Commission approval.

Old Business

**2 Demolition of rear additions-#306 Elizabeth Street-Robert Delaune (H12-01-256)
Second reading**

Rob Delaune was not present. The Commission decided to move forward with the item since it is the second reading for the item.

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Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed demolitions can be considered by the Commission since they comply with the criteria for demolitions in the historic district as stated in Section 102-218 of the Land Development Regulations.

Commission Discussion:

The Commissioners had no additional comments or discussion.

Actions/Motions:

A motion was made by Mr. Daniel Metzler, seconded by Mr. Theo Glorie, that the item be **Approved**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

3 Demolition of back additions-#1216 White Street-William Rowan (H12-01-342) Second reading

Bill Rowan was present for the project. Mr. Rowan stated he had nothing to add from the last meeting.

Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed demolitions can be considered by the Commission since they comply with the criteria for demolitions in the historic district as stated in Section 102-218 of the Land Development Regulations.

Commission Discussion:

Maggie Gutierrez stated that for the same reasons she voted "no" at the last meeting she will be voting "no" again.

Rudy Molinet stated that he concurs with Commissioner Gutierrez and he to will be voting "no".

Actions/Motions:

A motion was made by Mr. Theo Glorie, seconded by Mr. Daniel Metzler, that the item be **Approved**. The motion **Passed** by the following vote:

Yes: 4 – Ms. Bosold, Mr. Glorie, Mr. Metzler, Mr. Miller

No: 3 - Ms. Gutierrez, Mr. Green, Chairman Molinet

4 Demolition of back porch-#1021 Fleming Street-Robert Delaune (H12-01-343) Second reading

Rob Delaune was present for the project. Mr. Delaune stated he had nothing to add from the last meeting.

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Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed demolitions can be considered by the Commission since they comply with the criteria for demolitions in the historic district as stated in Section 102-218 of the Land Development Regulations.

Commission Discussion:

The Commissioners had no additional comments or discussion.

Actions/Motions:

A motion was made by Mr. Daniel Metzler, seconded by Mr. Theo Glorie, that the item be **Approved**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

5 Demolition of front porch, partial demolition of roof and demolition of carport-#421 Virginia Street-Seatech of the Florida Keys (H12-01-346) Second reading

Paul Semmes presented the project. Mr. Semmes stated that he was also presenting the design change to move the carport forward as well as the second reading for the partial demolition of the roof and the demolition of the carport. Mr. Semmes stated that the relocation of the carport afforded them the opportunity to add a pool and a deck area behind the carport.

Public Comments:

There were no public comments.

Staff Report:

Design:

Ms. Torregrosa stated that during the last meeting the Commission conditioned the approval to include in the plans 2 over 2 true divided lites wood windows for the entire house. Ms. Torregrosa also stated that the Commission also recommended the applicant relocate the new carport. Ms. Torregrosa added that the new plans were submitted and they include those changes. Ms. Torregrosa concluded stating that the new plans also include a swimming pool and a deck area.

Demolition:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed demolitions can be considered by the Commission since they comply with the criteria for demolitions in the historic district as stated in Section 102-218 of the Land Development Regulations.

Commission Discussion:

Daniel Metzler inquired as to the height of the carport. Mr. Green responded that the carport is 10'3" from grade. Mr. Metzler stated he was concern about the height but if the other Commissioners didn't have a problem he wouldn't push the issue.

Michael Miller explained that the height of the carport may simply be to accommodate being able to maneuver around inside without hitting the rafters and with that said he would like to see it a foot lower if possible.

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Mr. Molinet stated that Nils Muench would be pleased with that this project is taking place and the building not being lost to neglect.

Actions/Motions:

A motion was made by Mr. Bryan Green, seconded by Ms. Donna Bosold, that the design change be **Approved**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

A motion was made by Mr. Bryan Green, seconded by Mr. Theo Glorie, that the demolition item be **Approved**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

New Business

6 Mobile booth-#408 Greene Street-Jon Brenner (H12-01-340)

Jon and Cheri Brenner presented the project, which is for a mobile booth. Mr. Brenner the booth is to be used to rent bicycles.

Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed mobile booth is in conflict with some guidelines. Ms. Torregrosa stated that Guidelines 5 and 6 for information booths, kiosks, and carts are not met. Ms. Torregrosa added that if approved the property owners must secure an easement for the existing fence or should remove the existing fence from City right-of-way. Ms. Torregrosa concluded stating that the actual picket fence extends into the City right-of-way approximately 2.4' to 2.5'.

Commission Discussion:

Theo Glorie inquired if the bicycles they are proposing to rent to be parked at the same location. Mr. Brenner responded that some of the bicycles will be parked on site but most of the inventory will be located elsewhere until needed.

Daniel Metzler stated that he did not remember the Commission ever having a mobile booth and asked if they are reviewing the booth due to the location.

Bryan Green stated that the design of the cart is not a problem but its location is in direct conflict with the guidelines. Mr. Green stated that he is fearful that approving this application would open the flood gates for more carts being proposed. Mr. Green stated that he could not support the application and made a motion for denial.

Mr. Brenner inquired about another cart that is currently at the location and if he could use it for his purposes. Ms. Torregrosa stated that she had not researched to determine if the existing cart is "legal" / permitted.

Rudy Molinet suggested the applicant set a meeting with Ms. Torregrosa to determine what other options he has for running his business.

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Actions/Motions:

A motion was made by Mr. Bryan Green, seconded by Ms. Donna Bosold, that the item be **Denied** based on Guidelines pages 47-48, particularly 47-4, 47-5, and 47-6. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

7 Mobile booth sign 3' high by 4' wide-#408 Greene Street-Jon Brenner (H12-01-341)

Jon Brenner was presented for the project, which is for a sign for the mobile booth presented in item #6. Mr. Brenner withdrew the application due to item #6 the mobile cart being denied.

8a New two story house and new fence-#914 James Street-Seatech of the Florida Keys (H12-01-345)

Paul Semmes presented the project. Mr. Semmes stated that following the last meeting, they discussed the project they had proposed (and was approved) and decided it was best to demolish the entire building and rebuild a new house with more of a Key West look.

Public Comments:

There were no public comments.

Staff Report:

Design:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed plans are inconsistent with many of the guidelines for new construction. Ms. Torregrosa added that it is staff's opinion that although the building will be setback from the street approximately 14'-7" due to the proposed side gable roof it will be perceived taller than the non-historic house on the east side. Ms. Torregrosa stated that the scale of the proposed house will not be in keeping to the scale and massing of the existing historic houses on that urban block. Ms. Torregrosa stated that Staff understands that most of the historic urban context on this part in town has been lost but what is still left as historic should be protected.

Demolition:

Ms. Torregrosa stated that it is staff's opinion that what will be left of the historic part of the house once demolition takes place will be the west side of the house and the roof. Ms. Torregrosa added that although the historic part of the house is not irrevocably compromise by extreme deterioration it has been altered through time. Ms. Torregrosa concluded stating that Staff understands that the Commission can consider the request for demolition as it is consistent with the criteria for demolitions in the historic district. If the demolition is approved a second reading will be requested.

Commission Discussion:

Maggie Gutierrez stated that when the project was before the Commission the last time she voted "no" and she agrees with staff concerning the new design and will vote "no" again. Ms. Gutierrez stated that she thinks the drawings are deceiving as far as the mass and scale with the buildings around it. Ms. Gutierrez stated that she feels the streetscape should be preserved. Ms. Gutierrez stated that the mass and scale is too large.

Bryan Green stated that he does not agree with Staff. Mr. Green stated that the City is

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not about conformity. Mr. Green stated that he felt the new design is appropriate.

Daniel Metzler agrees with Mr. Green. Mr. Metzler stated that maybe it would help if the new structure had a hip roof on the front instead of a gable which would lower it and might help transition it between the single story house on one side that the two-story on the other. Mr. Metzler concluded stating other than that suggestion that he did not have any real problem with the proposed design.

Michael Miller stated that he finds an issue with new structures trying to copy an old Conch house features. Mr. Miller agrees with Mr. Green concerning the new design conforming to the existing neighborhood but it needs more work.

Donna Bosold stated that she agrees with Mr. Miller's comments about copying old design and that the result is too faux.

Mr. Metzler asked if it would be appropriate to ask the applicant to postpone and come back with a more detail design. Mr. Metzler stated he would like to see the details more refined.

Theo Glorie stated that like Mr. Miller he would like to see improved details.

Rudy Molinet stated that he could not support this plan. Mr. Molinet stated that it is his opinion that the proposed design would add to the deterioration of the historic area and feel of the neighborhood. Mr. Molinet asked the Commissioners to share if they had issues with the mass and scale or the design.

Mr. Semmes responded that their efforts were to raise the house due to the flood zone issues, which resulted in the taller appearance. Mr. Semmes concluded that he would like to take some time to work on the design in an attempt to develop something that everyone would like.

Actions/Motions:

A motion was made by Mr. Bryan Green, seconded by Mr. Michael Miller, that the item be **Postponed**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

8b Demolition of house-#914 James Street-Seatech of the Florida Keys (H12-01-345)

In an effort to expedite the meetings all discussion took place during the discussion of item 8a.

Due to item 8a being postponed the Commission did not have a design to match the demolition therefore the demolition also needed to be postponed.

Actions/Motions:

A motion was made by Mr. Bryan Green, seconded by Mr. Theo Glorie, that the item be **Postponed**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

9 New mural - After the fact-#227 Petronia Street- Leda N. Andrews (H12-01-383)

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Leda Andrews presented the project. Ms. Andrews stated that the wall needed repairs and once they were completed the existing mural had been destroyed. Ms. Andrews stated that she did not know she needed permission to paint a mural and once she did work was stopped and she submitted the application being discussed. Ms. Andrews stated the proposed mural will be painted directly in the wall by its designer, artist Rick Worth. Ms. Andrews introduced Rich Worth the artist for the mural. Mr. Worth stated the new mural will depict a perspective view a traditional Key West Bahama Village scene with frame vernacular houses, roosters and a large Poinciana tree. Mr. Worth added that anyone who comes by while he is painting and stays too long might end up in the mural.

Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that Staff understands that requirements for murals in the historic district (page 51 of the guidelines) should be reviewed. Ms. Torregrosa stated that the applicant has submitted a development plan as well as a maintenance plan. Ms. Torregrosa added that the artist guaranties the work against fading, graffiti or other cosmetic problems as stated on a signed letter by the applicant and by the owner of the property. Ms. Torregrosa stated that the proposed mural will be located adjacent to commercial structures. Ms. Torregrosa concluded stating that if approved then City Commission will need to also approve the plan. This is an after the fact application due to the work on the wall had already been started prior to the application.

Commission Discussion:

The Commissioners unanimously approved of the project all stating that they liked the project.

Actions/Motions:

A motion was made by Mr. Theo Glorie, seconded by Mr. Daniel Metzler, that the item be **Approved**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

10 Remove awning and install roofs-#608 Angela Street- Michael Skoglund (H12-01-385)

Michael Skoglund presented the project. Mr. Skoglund stated that proposed project is take down awnings and replace with roof overhangs.

Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed design does not comply with some of the guidelines. Ms. Torregrosa stated that through the review of all the Sanborn maps from 1912 to the last one done in 1962 the symmetry and balance of this building has been unaltered. Ms. Torregrosa stated that building the proposed roofs at almost the same height than the existing ones will change the massing, symmetry and balance of this historic house. Ms. Torregrosa concluded stating that if approved this project will require a side yard

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variance from the Planning Board, since it will be built over the required minimum 5' setback side yard requirement.

Commission Discussion:

Michael Miller stated that this is a lovely old house which should be preserved and that could not support the addition of the permanent roof overhangs since the proposed design would not do justice to the structure.

Rudy Molinet inquired if there was any record of the awning being approved. Ms. Torregrosa stated that she did not find anything.

Actions/Motions:

A motion was made by Mr. Michael Miller, seconded by Ms. Maggie Gutierrez, that the item be **Denied** based on Guidelines pages 36-38a specifically guidelines 36-1 and 36-3. The motion **Passed** by the following vote:

Yes: 6 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

11 New wall sign-#1019 White Street-Carrie Johnston- (H12-01-386)

The item was postponed due to an issue with the posting.

Actions/Motions:

A motion was made by Mr. Daniel Metzler, seconded by Mr. Theo Glorie, that the item be **Postponed**. The motion **Passed** by a unanimous voice vote.

12 Interior illuminated sign-#1029 Truman Avenue-Category 5 Designs (H12-01-412)

Jay Wilson of Category 5 and owners Chance Black and his father Mike Black were present to respond to any questions concerning the sign. Mr. Wilson stated that this application goes along with another one for major renovation of the property. Mr. Wilson stated that the owner is trying to improve the external appearance of the business. Mr. Wilson continued by stating that he is removing two (2) illuminated signs and replacing them with the one sign with channel lit letter that is being proposed. Mr. Wilson stated he based his application on paragraph 19 of the Guideline which states that "All new neon signs will be reviewed on a case-by-case basis and to be considered must be compatible in size scale, color and design with the structure and not detract from the integrity of the adjacent historic landscape". Mr. Wilson added that he understands that the sign is 2.5" over the allowed dimensions but that was so as not to convolute the design and text of the sign.

Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated the business has five signs. Ms. Torregrosa stated that the new sign will exceed the allowed number of signs even though they remove two of the existing signs. Ms. Torregrosa stated that it is Staff's opinion that the proposed design does not comply with the Land Development Regulations and the guidelines. Ms. Torregrosa also stated that Staff understands that the scale of the sign is proportioned to the façade but the sign fails the prohibition of being an interior illuminated one. Ms. Torregrosa stated that a review of the existing signs must be done in order to comply with quantity as well as permits.

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Commission Discussion:

Bryan Green inquired if anyone knows the history of the free standing sign out front. Mr. Chance Black responded that sign was brought in by Big Daddy's back in the 70s. Mr. Green reviewed the signs which are currently on the property and stated that by his count the number of signs exceeds the number allowed. Mr. Green stated that this again exemplified the one-size-fits all issue with the current sign Guidelines. Mr. Green noted the signage on the gas stations in the near area. Mr. Green stated that with that said by the current Guidelines the business signs exceeds the number allowed.

Michael Miller asked which two (2) signs are being replaced. Mr. Wilson responded that the two (2) box signs mounted on the building are the ones being removed. Mr. Miller also asked if the sign out front was considered one sign or two signs since it is two-sided. Mr. Ramsingh stated that the two-sided sign is considered one sign.

Donna Bosold inquired if the sign out front contributes to the total square footage that is permitted on a ground mounted sign. Mr. Ramsingh responded that the older signs are such as the one in question are treated as one sign. Ms. Bosold asked if the sign is non-conforming. Mr. Ramsingh responded that "yes" the sign is non-conforming.

Rudy Molinet asked about the sign out front being re-done over the years. Mr. Ramsingh responded that as long as it is not taken down, the content can change and the non-conforming sign can remain. Mr. Molinet stated that he does not understand why businesses think they need more signs to attract attention and that he cannot support the application.

Theo Glorie asked about the "Girls Girls Girls" and if it counts as a sign. Mr. Ramsingh stated that by his count there are five (5) signs on the property.

Maggie Gutierrez brought the other Commissioners attention to the fact that the sign being proposed is an illuminated sign which is not allowed. Mr. Molinet responded that actually there are two (2) issues with the application: 1) Illuminated signs are not allowed and 2) The location exceeds the number of allowed signs per business. Ms. Gutierrez responded that the LDRs are clear, that illuminated signs are not allowed and therefore she will not be able to support this application.

Actions/Motions:

A motion was made by Mr. Bryan Green, seconded by Mr. Theo Glorie, that the item be **Denied** based Guidelines page 49-51 specifically guidelines 49-6 and the LDRs sections 114-103 and 114-104. The motion **Passed** by the following vote:

Yes: 6 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Green, Chairman Molinet

No: 1 – Mr. Miller

13a New side wood stairway-#1405 Grinnell Street-FMH Builders Inc. (H12-01-426)

Frank Herrada presented the project. Mr. Herrada stated that this request is for the construction of a new wood stair to replace an existing concrete stairs that has deteriorated and has become dangerous.

Public Comments:

There were no public comments.

Staff Report:

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Design:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed wood staircase will be more in keeping with the surrounding historic context than the existing non historic concrete one. Ms; Torregrosa concluded stating that Staff understands that the proposed plans are consistent with the guidelines.

Demolition:

Ms. Torregrosa stated that it is staff's opinion that the existing stairway is not historic. Ms. Torregrosa stated that Staff understands that the Commission can consider the request for demolition as it is consistent with the criteria for demolitions in the historic district. Ms. Torregrosa concluded stating that if the demolition is approved a second reading will be requested.

Commission Discussion:

Theo Glorie asked why they were not proposing to replace the columns and landing. Mr. Herrada responded that the columns and landing are in good shape.

The Commissioners had no additional comments or discussion.

Actions/Motions:

A motion was made by Mr. Bryan Green, seconded by Ms. Maggie Gutierrez, that the item be **Approved**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

13b Demolition of concrete side stairway-#1405 Grinnell Street-FMH Builders Inc. (H12-01-426)

In an effort to expedite the meetings all discussion took place during the discussion of item 8a.

Actions/Motions:

A motion was made by Ms. Maggie Gutierrez, seconded by Mr. Theo Glorie, that the item be **Approved**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

14 Add 24" high of wood lattice over an existing 6' high side fence-#727 Windsor Lane-Robert Delaune (H12-01-429)

Rob Delaune presented the project. Mr. Delaune explained the history of applications for this fence and reasoning for the extension over the existing 6' fence, stating that is an effort to obtain more privacy. Mr. Delaune stated that the land slopes between 727 Windsor Lane and the neighbor property, which caused it require the additional fence height to obtain the much needed privacy. Mr. Delaune stated that neither the neighbor nor the Condo Association have an issue with the higher fence.

Public Comments:

There were no public comments.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that according to the

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Land Development Regulations fences cannot exceed 6' high. Ms. Torregrosa stated that it is Staff's opinion that this request is inconsistent with the guidelines as well as with the Land Development Regulations. Ms. Torregrosa added that a similar proposal was submitted for the same address as an after-the-fact application and the Commission requested the removal of the 2' lattice in order to approve a 6' high fence. Ms. Torregrosa concluded stating that if approved this request will require a height variance from the Planning Board.

Commission Discussion:

Bryan Green asked about the height of the fence due to the picture of the owner standing by the fence gives the impression that the fence is 4' high. Mr. Delaune responded that Mr. Lee is standing on an elevated deck, and the fence is currently 6' high. Mr. Green asked Mr. Ramsingh if there was any way the Guidelines could be looked at in a more flexible way. Mr. Ramsingh responded that there is an issue with LDR 122-1183 that mandates that a fence in this residential area is to be 4' tall with an allowance additional 2' extension as long as that extension is open. Mr. Ramsingh continued stating that the existing fence is already 6' tall.

Rudy Molinet commented to the other Commissioners the covering the past history of the after-the-fact application for the work on the fence and deck. Mr. Molinet reminded the Commissioners that HARC approved the after-the-fact application for the deck and the fence with the condition that the fence be lowered to the 6' height by removing the lattice. Mr. Molinet stated that now they are being asked to approve the additional 2' extension be added back to the fence for privacy reasons. Mr. Molinet asked if that is because the deck is too high and should be lowered? Mr. Ramsingh responded that he stands by his earlier comments concerning LDR 122-1183. Mr. Delaune stated that the last time this fence was before HARC the applicant was trying to address a Code Case and now they are applying for what they really want.

Michael Miller asked there is a hardship involved that requires the deck be elevated to allow access without having to maneuver steps and if not, then the deck could be simply be lowered which would eliminate the need for the taller fence.

Mr. Green asked if they had addressed the issue by using plantings. Mr. Delaune stated that they do plan to do some plantings as well as the fence extension.

Actions/Motions:

A motion was made by Mr. Theo Glorie, seconded by Ms. Maggie Gutierrez, that the item be **Denied** based on Guidelines page 40-41 specifically guideline 41-6 and City Ordinance 122-1183. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr. Green, Chairman Molinet

- 15** Major Development Plan- Revision to previous approved plans (H11-01-625) to incorporate a flat roof instead of a gable one and color scheme-**Mallory Square- City of Key West/ William P. Horn (H12-01-430)**

Bill Horn presented the Major Development Plan for the Mallory Square project. Mr. Horn reminded the Commission that they are trying to address the concerns of the neighbor with these revised plans. Mr. Horn reviewed the revised plans with the Commission and remained to respond to questions.

Public Comments:

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Jim Hendrix – 317 Whitehead – Mr. Hendrix disagrees with the design and the impression it will give to visitors to the City. Mr. Hendrix also questioned that the applicant has worked with the neighbors. Mr. Hendrix stated that it is his belief that the only neighbor the applicant has worked with is the Westin. Mr. Hendrix also questioned the fact that the restaurant hangs over the public sidewalk.

Ginny Stones – 221 Simonton Street - Mr. Molinet read into the record a letter submitted on behalf of her client The Westin Hotel and Marina. Ms. Stones' letter outlined numerous issues with the project and questioned the public postings for the item.

Staff Report:

Enid Torregrosa presented her staff report. Ms. Torregrosa stated that it is Staff's opinion that the proposed plans are consistent with many of the guidelines for new construction. Ms. Torregrosa stated that the proposed design is architecturally harmonious to its waterfront context. Ms. Torregrosa stated that Staff understands that the new proposed flat roof will lower the mass and scale of the building, which means that the design will be appropriate for its context. Ms. Torregrosa concluded stating that if the plans are approved the new changes will require Planning Board review.

Commission Discussion:

Mr. Molinet asked if the item was posted properly. Mr. Ramsingh stated that it was and explained the locations where the public postings placed. Mr. Molinet stated that pictures showing that the item was posted were part of the meeting package. Ms. Torregrosa stated that the item was posted properly both by public notice posting at the site and in the newspaper.

Michael Miller asked what was wrong with the first design. Mr. Horn responded that in an effort to reduce the mass and scale they changed the building roof

Donna Bosold stated that she was stunned when she opened the packet and saw this design being presented. Ms. Bosold stated that the building does not fit.

Theo Glorie stated that Mallory Square is very special to Key West and that he cannot support this design.

Bryan Green stated he thinks the building is way too forward and the flat roof is out of place and unacceptable.

Maggie Gutierrez asked Mr. Ramsingh if this application is denied what is the status of the application that was previously approved. Mr. Ramsingh responded that in the past he has taken the position that approvals stand and denials do not. Mr. Ramsingh explained that approvals can be revised but denials cannot.

Rudy Molinet suggested to the applicant that since the Commission is clearly concerned about the design that he may want to postpone long enough to incorporate some of the comments into the re-design. Mr. Horn responded that he would like to postpone for about a month.

Actions/Motions:

A motion was made by Ms. Maggie Gutierrez, seconded by Ms. Donna Bosold, that the item be **Postponed**. The motion **Passed** by the following vote:

Yes: 7 – Ms. Bosold, Mr. Glorie, Ms. Gutierrez, Mr. Metzler, Mr. Miller, Mr.

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Green, Chairman Molinet

Commissioners Comments

Mr. Glorie shared with the other Commissioners that the chocolate sign (505 Duval) was put up any way and that 1019 White Street also has put up a banner on the inside front window. Mr. Glorie stated that it is disturbing that the Commission denies or postpones something and the owners just go do it anyway. Mr. Molinet suggested that both be turned over to Code Compliance. Mr. Glorie also noted that the latches have been returned to 912 Eaton but he questions if they were installed properly. Mr. Ramsingh responded stating that the Code case has been cleared and that if the work was not satisfactory completed then maybe in the future for cases involving HARC should require HARC Staff approval and not just the Code Officer prior to clearing the Code case.

Mr. Miller stated that he wanted to address the question about Code Compliance and how they respond to Code issues. Mr. Miller stated that he feels that Code needs to be more pro-active rather than re-active. Mr. Ramsingh stated that it is his understanding that Code Compliance has been directed to be pro-active to any life safety issues but re-active to others. Mr. Metzler asked if the Commission couldn't request Code to be more re-active to the sign issues. Mr. Ramsingh responded that the Commission could draft something to be presented to the Commission.

Mr. Molinet reported that the research activities of Commissioners Bosold, Green, and Miller have undertaken is progressing. Mr. Green stated that he has completed a first draft for the Sign Ordinance changes. Mr. Green suggested that the document be passed among the other Commissioners for review and additional suggestions. Mr. Glorie asked what is to be done with the existing signage which does not comply. Mr. Green responded that he put verbiage in the document to address that issue and then he read a segment of the verbiage. Ms. Bosold responded that changing signage can be very expensive for the business owners and that there are many ways to address bringing old non-conforming signage into compliance which can be discussed. Mr. Molinet asked Ms. Torregrosa to send a copy of Mr. Green's document to each of the Commissioners for review and comments.

Mr. Molinet stated he received a call from the Mayor inquiring as to if HARC could support reviewing any renovation changes needed for Glynn Archer School for the exterior and interiors. There was a brief discussion concerning if the interior changes will require HARC approval. Ms. Torregrosa referred the Commissioners to page 1 and 2 of the Guidelines. Ms. Torregrosa stated that an effort will need to take place to determine what parts of the interior are actually historic. Mr. Miller stated that it is his understanding that what will be taking place is an adaptive re-use rather than a restoration. Mr. Green asked if an office is a public space. Mr. Ramsingh stated that City Attorney Smith is reviewing the definitions. Ms. Torregrosa suggested the Commission have another discussion once plans for the building are submitted.

Mr. Metzler inquired if HARC would be reviewing the Truman Waterfront Plan. Ms. Torregrosa responded "yes". Mr. Metzler asked if they know they are to bring the project to HARC. Ms. Torregrosa responded "yes".

Adjournment

Actions/Motions:

A motion was made by Mr. Michael Miller, seconded by Ms. Donna Bosold, that the meeting be **Adjourned**. The motion **Passed** by a unanimous vote.

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Meeting adjourned at **8:35 pm.**

Submitted by,

Jo Bennett

Administrative Coordinator
Planning Department