



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, December 17, 2020

5:00 PM

City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

You may attend/participate virtually via Zoom by telephoning 312-626-6799, Meeting ID 999 4555 8383. Passcode 471924 or via online at: <https://zoom.us/j/99945558383> Passcode 471924

Call Meeting To Order - 5:05 P.M.

Roll Call

Absent 1 - Ms. Brew

Present 6 - Mr. Browning, Mr. Gilleran, Ms. Henderson, Mr. Lloyd, Chairman Holland, and Mr. Varela

Pledge of Allegiance to the Flag

Approval of Agenda: On a motion by Board Member Browning, seconded by Board Member Lloyd, the Agenda was approved as changed unanimously postponing items 2, 4, 7 and 8 to the January 21, 2021 meeting.

Administering the Oath by the Clerk of the Board

Approval of Minutes

1

November 19, 2020

Attachments: [Minutes](#)

A motion was made by Ms. Henderson, seconded by Mr. Lloyd, that the Minutes of November 19, 2020 be Approved. The motion passed by unanimous vote.

Old Business

- 2 **Alcohol Sales Exception - 907 Whitehead Street - (RE# 00017930-000000)** - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral property in order to serve beer, and wine for special events accessory to the museum on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 18-28(b)2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the request for Alcohol Sales Exception at 907 Whitehead Street be Postponed to January 21, 2021. The motion passed by unanimous vote.

- 3 **Amendment to Conditional Use - 318-324 Petronia Street; 802-806 Whitehead Street; and 809-811 Terry Lane - (RE# 00014010-000000; 00014050-000000; 00014060-000000)** -A request for an amendment to a conditional use approval for a restaurant on property located within the Historic Neighborhood Commercial-Bahama Village Commercial Core (HNC-3) and the Historic Medium Density Residential (HMDR) Zoning Districts pursuant to Sections 122-62, and 122-868 (9) of the Code of Ordinances of the City of Key West, Florida.

Attachments:[Staff Report](#)[*Large File* Application Package](#)[Photo - Trash Area](#)[Trash Pickup Locations](#)[Floodplain Comments](#)[Utilities Comments](#)[Keys Energy Comments](#)[*Large File* Noticing Package](#)[Public Comment - Furlane](#)[Public Comment - Santoro](#)[Public Comment - Santoro 2](#)[Public Comment - Santoro 3](#)[Public Comment - Furlane 2](#)[Public Comment - Furlane 3](#)[Public Comment - Furlane 4](#)[Public Comment - Furlane 5](#)[*Large File* Noticing Package 12.17.20](#)[Public Comment - Walsh](#)[Opposition filing to the Planning Board Members - Furlane](#)[Opposition filing to the Planning Board Members - Rose](#)[Opposition filing to the Planning Board Members - Paulic](#)[Opposition filing to the Planning Board Members - Hembling](#)[Public Comment - Ohlinger](#)[Opposition filing to the Planning Board Members - Santoro](#)[Factual and Legal Opposition to Rams Heads Application - Furlane](#)[Applicant makes good Neighbor Policy](#)[George Lennox - Letter of Support](#)[Fran Gonzon - Letter of Support](#)[Public Comment - Dunaway](#)[Public Comment - Caldwell](#)[Public Comment - Paulic 12.14.20](#)[Greg Sullivan - Letter of Support](#)[Susan Mitchell letter of support](#)

A motion was made by Ms. Henderson, seconded by Mr. Browning, finding that the Applicant's proposed Conditional Use demonstrates all the requirements of Code Section 122-62(c) for Amendment to Conditional Use for 318-324 Petronia Street, 802-806 Whitehead Street and 809-811 Terry Lane and that the application be Approved with the conditions as set forth by the Planner with the exception of Condition 13. The motion carried by the following vote:

No: 2 - Mr. Browning, and Mr. Lloyd

Recuse: 1 - Mr. Varela

Absent: 1 - Ms. Brew

Yes: 3 - Vice Chair Gilleran, Ms. Henderson, and Chairman Holland

Enactment No: PB Resolution 2020-44

Meeting went into Recess at 6:55 p.m. and Reconvened at 7:05 p.m.

4

Major Modification to a Major Development Plan and Conditional Use - 951 Caroline Street - (RE# 00002970-000000) - A request to amend a parking agreement for a Major Development Plan and Conditional Use approval on property located within the Key West Bight (HRCC-2) Zoning District per Sections 108-91 C.3 and 122-62 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

- Attachments:**
- [*Large File* Application Package](#)
 - [*Large File* Exhibits](#)
 - [Multimodal Transportation Comments](#)
 - [Response to Multimodal Transportation Coordinator](#)
 - [Floodplain Comments](#)
 - [Keys Energy Comments](#)
 - [Noticing Package](#)
 - [*Large File* Memo to City 10.06.20](#)

A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Request for Major Modification to a Major Development Plan and a Conditional Use at 951 Caroline Street be Postponed to January 21, 2021. The motion passed by unanimous vote.

5

Transient License Transfer - One (1) license in Unassigned Status to 536 Fleming Street (RE# 00009440-000000) - A request to transfer one (1) transient license in unassigned status at Key Cove LLC to property located within the Historic Neighborhood Commercial (HNC-1) zoning district pursuant to Sections 122-776 and 122-1338 of the Land Development Regulations of the

Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Staff Presentation](#)
 [Planning Package](#)
 [*Large File* Application](#)
 [Revision to Application](#)
 [Second Revision to Application](#)
 [Floodplain Comments](#)
 [Utilities Comments](#)
 [Keys Energy Comments](#)
 [Noticing Package](#)
 [Public Comments - Jacob](#)
 [11.19.20 Noticing Package](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Browning, that the Planning Resolution for Transient License Transfer of One License in Unassigned Status to 536 Fleming Street be Postponed to January 21, 2021. The motion carried by the following vote:

- No:** 1 - Mr. Lloyd
- Absent:** 1 - Ms. Brew
- Yes:** 5 - Mr. Browning, Vice Chair Gilleran, Ms. Henderson, Chairman Holland, and Mr. Varela

6

Conditional Use Amendment- 501 Greene Street (RE# 00000520-000000) - A request for an amendment to a conditional use to allow outdoor amplified music on a parcel located in the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Sections 18-57, 26-192, and 122-62 of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Staff Presentation](#)
 [Planning Package](#)
 [Request to Amend CU Approval PB Res 2016-32.pdf](#)
 [Floodplain Comments](#)
 [Utilities Comments](#)
 [Keys Energy Comments](#)
 [Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Lloyd to approve the

Planning Resolution for Conditional Use Amendment at 501 Greene Street striking conditions 1, 2 4 and 6.

The motion failed by the following vote:

Absent: 1 - Ms. Brew

No: 4 - Mr. Gilleran, Ms. Henderson, Mr. Lloyd and Chairman Holland

Yes: 2 - Mr. Browning and Mr. Varela

A motion was made by Vice Chair Gilleran, seconded by Mr. Browning, finding that the Applicant's proposed Conditional Use Amendment demonstrates all of the requirements of Code Section 122-62(c) and that the Planning Resolution for Conditional Use Amendment at 501 Greene Street be Approved striking Conditions 1, 2 and 4 and retaining Conditions 3, 5, and 6 as set forth by the Planner. The motion carried by the following vote:

No: 2 - Ms. Henderson, and Mr. Lloyd

Absent: 1 - Ms. Brew

Yes: 4 - Mr. Browning, Vice Chair Gilleran, Chairman Holland, and Mr. Varela

Enactment No: PB Resolution 2020-45

7

Variance - 1020 Margaret Street (RE#

00030490-000000) - A request for a variance to the minimum front setback and the minimum rear setback for a minor development plan to renovate two existing historic single-family structures and construct three new single-family structures in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 122-600 (6) a., and 122-600 (6) c.

- Attachments: [Staff Report](#)
 [Planning Package](#)
 [*Large File* Noticing Package](#)
 [Staff Presentation](#)

A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Planning Resolution for a Variance at 1020 Margaret Street be Postponed to January 21, 2021. The motion passed by unanimous vote.

8

Request for Postponement by Applicant:

Minor Development Plan and Landscape Waiver - 1020 Margaret Street (RE# 00030490-000000) - A request for

approval of a minor development plan to renovate two existing historic single-family structures and construct three new single-family structures, as well as installing an inground pool and a paved parking lot in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections

108-91, 108-517, 122-596, and 122-597 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Reports](#)
- [Planning Package](#)
- [*Large File* Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Planning Resolution for Minor Development Plan and Landscape Waiver at 1020 Margaret Street be Postponed to January 21, 2021. The motion passed by unanimous vote.

New Business

9

Conditional Use - 803 Whitehead Street (RE# 00017050-000000) - A request for conditional use approval to allow a twenty-three (23) seat restaurant in the Historic Neighborhood Commercial (HNC-3) zoning district pursuant to Sections 122-868 and 122-62 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
- [*Large File* Package](#)
- [Floodplain Comments](#)
- [Urban Forestry Comments](#)
- [Keys Energy Comments](#)
- [Utilities Comments](#)
- [Public Comment - Paulic](#)
- [Noticing Package](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Browning, finding the Applicant's proposed Conditional Use demonstrates all requirement of Code Section 122-62(c) and that Planning Resolution for Conditional Use at 803 Whitehead Street be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Brew

Yes: 6 - Mr. Browning, Vice Chair Gilleran, Ms. Henderson, Mr. Lloyd, Chairman Holland, and Mr. Varela

Enactment No: PB Resolution 2020-46

10

After-the-Fact Variance - 727 Emma Street (RE# 00013730-000000) - A request for an after-the-fact variance

to maximum allowed building coverage, maximum allowed coverage of a rear yard, minimum allowed rear setback, and the minimum allowed side setback in order to alter a nonconforming rear accessory structure for a property located in the Historic Neighborhood Commercial (HNC-3) zoning district pursuant to Sections 90-395, 122-870, and 122-1181.

- Attachments:** [Staff Report](#)
[Staff Presentation](#)
[Planning Package](#)
[Letters of Support](#)
[Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Varela, finding that all the standards set forth in Code Section 90-395(A) have been met by the Applicant and that the Applicant has demonstrated a "Good Neighbor Policy" and that the Planning Resolution for After-the-Fact Variance at 727 Emma Street be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Brew

Yes: 6 - Mr. Browning, Vice Chair Gilleran, Ms. Henderson, Mr. Lloyd, Chairman Holland, and Mr. Varela

Enactment No: PB Resolution 2020-47

11

Withdrawn: Alcohol Sales Exception - 713 Caroline Street - (RE#00000800-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral property in order to serve beer, and wine on property located within the Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 18-28(b)2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Noticing Package](#)

Withdrawn

12

Conditional Use - 713 Caroline Street - (RE# 00000800-000000) - A request for a conditional use approval for the land use, "bars and lounges, including those associated with adult entertainment establishments",

on property located within the Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 122-62, and 122-688 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Package](#)
 - [Floodplain Comments](#)
 - [Urban Forestry Comments](#)
 - [Keys Energy Comments](#)
 - [Utilities Comments](#)
 - [Noticing Package](#)
 - [713 Caroline St - Letters of Support](#)
 - [713 Caroline St - Letters of Support Part 2](#)
 - [Letter of Opposition - Jo Bennett](#)
 - [Letter of Opposition - Doug Bennett](#)
 - [713 Caroline Letters of Support Spreadsheet from Jo Bennett](#)

A motion was made by Mr. Lloyd, seconded by Mr. Browning, finding the Applicant's proposed Conditional Use demonstrates all requirements of Code Section 122-62(c) and that the Planning Resolution for Conditional Use at 713 Caroline Street be Approved. The motion carried by the following vote:

Absent: 1 - Ms. Brew

Yes: 6 - Mr. Browning, Vice Chair Gilleran, Ms. Henderson, Mr. Lloyd, Chairman Holland, and Mr. Varela

Enactment No: PB Resolution 2020-48

Reports

Public Comments

Board Member Comments

Adjournment - 8:38 P.M.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Varela, Freddy</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning</i>
MAILING ADDRESS <i>1024 17th Street</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Key West Monroe</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Key West</i>
DATE ON WHICH VOTE OCCURRED <i>12/17/2020</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Freddy Varela, hereby disclose that on 12/17, 2020:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of Historic Tours of America, which is the parent organization or subsidiary of a principal which has retained me.

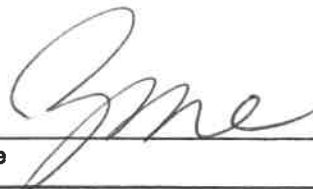
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Planning agenda item #3

Date Filed

12/17/2020

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.