



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, January 17, 2019

6:00 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 FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting To Order - 6:00pm

Roll Call

Absent 1 - Mr. Varela

Present 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Pledge of Allegiance to the Flag

Approval of Agenda

The agenda was approved as amended.

Approval of Minutes

1 November 15, 2018 (Regular)

Attachments: [Minutes](#)

A motion was made by Vice Chair Jim Gilleran, seconded by Mr. Ed Russo, that the Minutes be Approved. The motion passed by an unanimous vote.

Old Business

2 **Text Amendment of the Land Development Regulations - A**
Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X, Division 1, Section 108-991, entitled "Development not affected by article"; pursuant to Chapter 90, Article VI, Division 2; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

- Attachments:** [Staff Report](#)
 [Resolution](#)
 [Email from Owen Trepanier](#)
 [Email from Barbara Powell](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Planning Resolution be Approved. The motion carried by the following vote:

- Absent:** 1 - Mr. Varela
- Yes:** 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: 2019-01

3 **After-the-Fact Variance - 816 Fleming Street (RE # 00008290-000000)** - A request for variances to the minimum front-yard and side-yard setback requirements in order to maintain a zero foot front and side yard setback on property located within the Historic Neighborhood Commercial District (HNC-2) zoning district pursuant to Section 90-395 and 122-840 (6) a. and b.

Withdrawn

4 **Postponed by Staff: Variance - 715 Fleming Street - (RE# 00006200-000000)** - A request for variance to the maximum allowed building coverage requirement in order to construct a one-story addition in the side yard on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

Withdrawn

5 **Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit H - (RE# 00072082-003904)** - A request for an exception for outdoor merchandise display on property located on Lazy Way Lane, Unit H in the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) Zoning District per the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [*Large File* Staff Report](#)
 [Resolution](#)
 [*Large File* Package](#)
 [Planning Board Resolution 2011-58](#)
 [Noticing Packet](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Pike, that the Planning Resolution be Approved. The motion carried by the following vote:

- No:** 1 - Mr. Lloyd
- Absent:** 1 - Mr. Varela
- Yes:** 5 - Mr. Browning, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland
- Enactment No: 2019-02

6 **Variance - 715 Fleming Street - (RE# 00006200-000000)** - A request for variances to the maximum allowed building coverage, and the minimum rear setback requirement to construct a one story covered porch on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Resolution](#)
 [Package](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo to approve the item. The motion was withdrawn and the second was withdrawn.
A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Planning Resolution be Postponed to February 21st. The motion carried by the following vote:

- Absent:** 1 - Mr. Varela
- Yes:** 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

7

Alcohol Sales Exception - 821 Duval Street (RE#

00016820-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral home property in order to serve beer, wine and liquor for a restaurant on property located within the Duval Street Oceanside (HRCC-3) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Resolution](#)
 [*Large File* Package](#)
 [2019-01-16 Letter to Joseph Schroeder.pdf](#)
 [Letter of Objection 1.16.19](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Board finds that all the standards set forth in the code Section 18-28 B (2) have been met by the Applicant, that the Applicant has demonstrated a "Good Neighbor Policy" and that the Alcohol Sales Exemption be Passed subject to conditions set forth on the staff report and that the Planning Resolution be Approved. The motion carried by the following vote:

- Recuse:** 1 - Vice Chair Gilleran
- Absent:** 1 - Mr. Varela
- Yes:** 5 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, and Chairman Holland
- Enactment No: 2019-03

8

Amendment to a Conditional Use - 821 Duval Street (RE#

00016820-000000) - A request for an amendment to a conditional use approval to include a 5COP liquor license allowing for the sale of liquor on property located within the Duval Street Oceanside (HRCC-3) Zoning District pursuant to the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff report](#)
 [Resolution](#)
 [*Large File* Package](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Board finds that the Applicant's proposed Conditional use demonstrates all the requirements of the Code Section 122-62 (C) have been met by the Applicant, that the Applicant demonstrated a "Good Neighbor Policy" and that the Applicant be passed subject to any conditions set forth on the staff report, and that the Planning Resolution be Approved. The motion carried by the following vote:

- Recuse:** 1 - Vice Chair Gilleran

Absent: 1 - Mr. Varela

Yes: 5 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, and Chairman Holland

Enactment No: 2019-04

New Business

9

Text Amendment of the Land Development Regulations - A

Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending Chapter 122 of the Land Development Regulations, entitled "Zoning", Subdivision IV.1, entitled "Medium Density Residential District-1 (MDR-1), Section 122-280, entitled "Dimensional Requirements"; pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Staff Report](#)
 [Resolution](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Planning Resolution be Approved. The motion carried by the following vote:

Absent: 1 - Mr. Varela

Yes: 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: 2019-05

10

Text Amendment of the Comprehensive Plan - A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending the City's Comprehensive Plan, Chapter 1, entitled "Future Land Use Element", Table 1-1.1.5, pursuant to Chapter 90, Article VI, Division 3; Providing for severability; Providing for repeal of inconsistent provisions; Providing for inclusion into the City of Key West Comprehensive Plan and providing for an effective date.

Attachments: [Staff Report](#)
 [Resolution](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Planning Resolution be Approved. The motion carried by the following vote:

Absent: 1 - Mr. Varela

Yes: 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: 2019-06

11 **Conditional Use - 5610 College Road (RE# 00072080-001300; AK# 1075990)** - A request for conditional use approval to allow for the construction of a private and public utility on property located within the Public and Semipublic Services District (PS) zoning district pursuant to Chapter 122, Article III and Section 122-1018 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Resolution](#)
 [*Large File* PB Package](#)
 [FAA Determination](#)
 [Photo Simulation](#)
 [*Large File* FCC NEPA Environmental Checklist Report](#)
 [*Large File* 2017 Hurricane Season FEMA After-Action Report](#)
 [Noticing Package](#)
 [Clyde Canizares support for 5610 College Road.pdf](#)
 [Kevin Redding support for 5610 College Road.pdf](#)
 [Linda Russin support for 5610 College Road.pdf](#)
 [Letters of support for cell tower](#)
 [Letters of Support for tower part 2](#)

Postponed

12 **Amendment to a Conditional Use - 506 Southard Street (RE# 00012290-000000)** - A request for an amendment to a conditional use approval to expand the consumption area to the second floor on property located within the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to the code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Resolution](#)
 [Package](#)
 [Noticing Package](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Board finds that the Applicant's proposed Conditional use demonstrates all the requirements of the Code Section 122-62 (C) have been met by the Applicant, that the Applicant demonstrated a "Good Neighbor Policy" and that the Applicant be passed subject to any conditions set forth on the staff report, and that the Planning Resolution be Approved. The motion carried by the following vote:

No: 2 - Vice Chair Gilleran, and Chairman Holland

Absent: 1 - Mr. Varela

Yes: 4 - Mr. Browning, Mr. Lloyd, Mr. Pike, and Mr. Russo

Enactment No: 2019-07

13

Variance - 3 Lopez Lane - (RE# 00005690-000100) - A request for a variance to the maximum allowed building coverage requirement to construct a covered porch in the rear yard for property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Resolution](#)
 [*Large File* Package](#)
 [Noticing Package](#)

A motion was made by Mr. Lloyd, seconded by Mr. Pike, that the Board finds that all the standars set forth in code Section 90-395 (A) have been met by the Applicant, that the Applicant has demonstrated a "Good Neighbor Policy" and that the Variance be passed subject to any conditions set forth on the staff report. The motion carried by the following vote:

Absent: 1 - Mr. Varela

Yes: 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: 2019-08

Reports

Public Comment

Adjournment - 7:07pm