



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, November 18, 2021

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.

FOR VISUAL PRESENTATIONS: Individuals are responsible to share their presentation at the meeting on their laptop through Zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

Call Meeting To Order - 5:02 P.M.

Roll Call

Absent 2 - Ms. Brew, and Vice Chair Gilleran

Present 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Pledge of Allegiance to the Flag

Approval of Agenda - The agenda was unanimously approved as amended.

Approval of Minutes

1 October 21, 2021

Attachments: [Minutes](#)

A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Minutes be Approved. The motion passed by unanimous vote.

2

Major Development Plan and Landscape Waiver - 322-324 ½ Truman Avenue (RE# 00025530-000000, 00025520-000000, and 00025500-000000) - A request for approval of a major development plan to redevelop eighteen (18) residential units consisting of fourteen (14) affordable units and four (4) market rate units, as well as a landscape waiver, and a request for an exemption to the minimum size of affordable workforce housing units in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 108-91, 108-517, 122-596, 122-597, and 122-1467(2)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report MDP](#)
[Planning Package](#)
[Utilities Comments](#)
[Parking Comments](#)
[Keys Energy Comments](#)
[Multi Modal Transportation Comments](#)
[Engineering Comments](#)
[Urban Forester's Staff Report](#)
[Noticing Package](#)
[Letter of Objection - Marge Holtz](#)
[Letter of Objection - Richard Holtz](#)
[Objection - Marge & Rick Holtz](#)
[Objection Burke](#)
[Objection - Moon](#)
[Objection - Stephanie Nadeau - Thomas St](#)
[Objection - Stephanie Nadeau - Julia St](#)
[Objection - Donna Nadeau](#)
[Objection - Anderson](#)
[Objection - Marsh](#)
[Objection - Cox](#)
[Objection - Pinka](#)
[Objection - Teresa Willis](#)
[Objection - Smith](#)
[Objection - Terry Willis](#)
[Objection - C Myers](#)
[Objection - Shanna](#)
[Objection - Mingo](#)
[Objection - M Myers](#)
[Objection - Sierra](#)
[Objection - O'Brien](#)
[Signed Petition](#)
[Objection - Beaver](#)
[Objection - Craig](#)
[Objection - Mckonly](#)
[Objection - Brearley](#)
[Objection - David & Debra Davis Speier](#)
[Objection - Raymond](#)
[Objection - Major-Mingo](#)

[Objection - Various](#)

Withdrawn

3

Variance - 322-324 ½ Truman Avenue (RE# 00025530-000000, 00025520-000000, and 00025500-000000) - A request for a variance to the minimum rear setback, maximum impervious surface, maximum lot coverage, minimum open space, and off-street parking requirements for a major development plan to redevelop eighteen (18) residential units consisting of fourteen (14) affordable units and four (4) market rate units in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 108-346, 122-600 (4), and 122-600 (6) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report Variance](#)
[Planning Package](#)
[Noticing Package](#)
[Letter of Objection - Richard Holtz](#)
[Letter of Objection - Marge Holtz](#)
[Objection - Marge & Rick Holtz](#)
[Objection Burke](#)
[Objection - Moon](#)
[Objection - Stephanie Nadeau - Thomas St](#)
[Objection - Stephanie Nadeau - Julia St](#)
[Objection - Anderson](#)
[Objection - Marsh](#)
[Objection - Cox](#)
[Objection - Pinka](#)
[Objection - Teresa Willis](#)
[Objection - Smith](#)
[Objection - Terry Willis](#)
[Objection - C Myers](#)
[Objection - Shanna](#)
[Objection - Mingo](#)
[Objection - Sierra](#)
[Objection - Donna Nadeau](#)
[Objection - M Myers](#)
[Objection - O'Brien](#)
[Signed Petition](#)
[Objection - Beaver](#)
[Objection - Craig](#)
[Objection - Mckonly](#)
[Objection - Brearley](#)
[Objection - David & Debra Davis Speier](#)
[Objection - Raymond](#)
[Objection - Major-Mingo](#)

Withdrawn

New Business

4

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 Code of Ordinances, titled "Zoning", by amending Sec. 122-1371 titled "Transient Living Accommodations in Residential Dwellings; Regulations" by increasing the inspection and enforcement fee from \$125.00 to \$300.00, establishing a renewal period, delinquent fee, and transfer fee; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

- Attachments: [Staff Report](#)
 [Resolution Transient Fee Schedule](#)
 [EXHIBIT A](#)
 [Ordinance](#)

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

No: 1 - Mr. Lloyd

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 4 - Mr. Browning, Ms. Henderson, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-49

5

Request for Postponement by Applicant: Conditional Use - 1327 Duval Street (RE#00036190-000100) - A request for a conditional use for a food service restaurant (food truck), excluding drive-through, in an existing hotel parking lot located in the Historic Commercial Tourist (HCT) zoning district, pursuant to Section 122-898 of the City of Key West Land Development Regulations.

Attachments: [Planning Package](#)
 [Utilities Comments](#)
 [Keys Energy Comments](#)
 [Floodplain Comments](#)
 [Urban Forestry Comments](#)
 [Noticing Package](#)

Postponed to December 16, 2021

6 Conditional Use - 500 Whitehead Street (RE# 00010060-000000) - A request for conditional use approval to allow the change of use from a former public utility / protective service to a cultural and civic activities use converting the historic jail building to a museum in the Historic Public Services (HPS) zoning district pursuant to Sections 122-62 and 122-958 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [FINAL PLANS MC Historic Jail Door and Window Replacement Drawings 11.15.2021 and 11.4.2021 Planning Package](#)
 - [Utilities Comments](#)
 - [Keys Energy Comments](#)
 - [Floodplain Comments](#)
 - [Urban Forestry Comments](#)
 - [Noticing Package](#)

A motion was made by Mr. Lloyd, seconded by Mr. Browning, that the Board finds that the Applicant’s proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

- Absent:** 2 - Ms. Brew, and Vice Chair Gilleran
- Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-50

7 **Conditional Use - 3841 N. Roosevelt Blvd.
(RE#00064881-000300)** - A request for a conditional use for a small recreation power-driven equipment rental business, as an accessory to an existing hotel located in the General Commercial (CG) zoning district, pursuant to Section 122-418 of the City of Key West Land Development Regulations.

- Attachments:** [Planning Package](#)
 [Utilities Comments](#)
 [Keys Energy Comments](#)
 [Floodplain Comments](#)
 [Urban Forestry Comments](#)
 [Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Varela, that the Planning Resolution be Postponed by Staff to December 16, 2021. The motion carried by the following vote:

- Absent:** 2 - Ms. Brew, and Vice Chair Gilleran
- Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

8 **Variance - 1021 Packer Street (RE# 00031160-000000)** - A request for a variance to the minimum allowed open space requirement, building coverage, and impervious surface, for a pool and pool deck at a residence in the Historic Medium Density Residential (HMDR) zoning district pursuant to Section 90-39, Section 122-600(4)a. and Section 122-600(4)b. of the City of Key West Land Development Regulations.

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

A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Planning Resolution be Postponed to December 16, 2021. The motion carried by the following vote:

- Absent:** 2 - Ms. Brew, and Vice Chair Gilleran
- Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

9 **Variance - 1426 6th Street (RE# 00045600-000000)** - A request for a variance for exceeding the allowed maximum building coverage as well as front setback and rear setback for an accessory structure at a residence in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-39 and 122-600(6)a. and b. of the City of Key West Land Development Regulations.

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

A motion was made by Mr. Lloyd, seconded by Mr. Varela, that that the Board finds that all the standards 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 (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

- Absent:** 2 - Ms. Brew, and Vice Chair Gilleran
- Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-51

6:06 P.M. - Meeting went into Recess

6:13 P.M. - Meeting Reconvened

Old Business

10

Variance - 408 Greene Street (RE# 00001500-000000) -

A request for a variance to the minimum parking requirements in order to create 1,000 square feet of an outdoor venue for small group retail / therapeutic events on property located within the Historic Residential / Office (HRO) zoning district pursuant to Sections 90-395, 108-573, 108-572 (16), 122-27 and 122-32 (d) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

- Attachments:** [Staff Report](#)
 [7.15.21 Cover Letter](#)
 [Package](#)
 [Noticing Package](#)
 [Support Letter - Ellis](#)
 [Support Letter - Schmidt](#)

A motion was made by Mr. Varela, seconded by Mr. Browning, that the Board finds that all the standards 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 (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-52

11

Variance - 1325 Simonton Street

(RE#00035950-000000) - A request for approval of a variance to conform with parking deficiencies, variance to off-street required parking and landscaping requirements, variance to required open space, and a variance to the maximum impervious surface to allow an electronic scooter rental service as an accessory to a hotel use in Historic Commercial Tourist (HCT) zoning district pursuant to Sections 90-395, 108-346, 108-412, 108-414, 108-572, 108-575(5), and 122-900(4)b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:
- [Staff Report](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Objection - Maloney & Maykut](#)
 - [Objection - Donn](#)
 - [Letter of Objection - Smith](#)
 - [Trepanier - Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility](#)
 - [Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [Public Comment - Matter](#)
 - [PB Presentation-Spanish Gardens-1325 Simonton](#)
 - [PB Presentation Notes-1325 Simonton](#)

A motion was made by Mr. Varela, seconded by Mr. Browning, that the Board finds that all the standards 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 (exception) be Granted subject to the conditions as outlined in the Staff Report, amended to strike condition Number 3. The motion carried by the following vote:

No: 1 - Ms. Henderson

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 4 - Mr. Browning, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-53

12

Conditional Use - 1325 Simonton Street (RE# 00035950-000000) - A request for approval of a conditional use to allow an electronic scooter rental service and a food truck as an accessory to a hotel use in the Historic Commercial Tourist (HCT) zoning district pursuant to Sections 18-355, 122-62 and 122-898 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Floodplain Comments](#)
 - [Utilities Comments](#)
 - [Multi Modal Coordinator Comments](#)
 - [Keys Energy Comments](#)
 - [Engineering Comments](#)
 - [Letter of Objection - Smith](#)
 - [Trepanier - Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility](#)
 - [Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [Public Comment - Matter](#)
 - [PB Presentation-Spanish Gardens-1325 Simonton](#)
 - [PB Presentation Notes-1325 Simonton](#)

A motion was made by Mr. Lloyd, seconded by Mr. Varela, that the Board finds that the Applicant’s proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the application be approved subject to conditions outlined in the Staff Report but limiting condition Number 2 to pertain only to the 1300 Block of Elizabeth Street and striking condition Number 11. The motion carried by the following vote:

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-54

13

Variance - 1220 Simonton Street (RE# 00028730-000000) - A request for approval of a variance to conform with parking deficiencies, variance to off-street required parking, and a variance to minimum side setbacks for an accessory structure to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Neighborhood Commercial (HNC-1) zoning district pursuant to Sections 90-395, 108-572, 108-575(5), and 122-810(c) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Letter of Objection - Smith](#)
 - [Trepanier - Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [PB Presentation-H2O-1220 Simonton](#)
 - [11.17.21 Conditions Modifications Email to Planning](#)

A motion was made by Mr. Lloyd, seconded by Mr. Varela, that the Board finds that all the standards 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 (exception) be Granted subject to the conditions as outlined in the Staff Report, with an amendment to strike Number 4. The motion carried by the following vote:

No: 1 - Ms. Henderson

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 4 - Mr. Browning, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-55

14

Conditional Use - 1220 Simonton Street (RE# 00028730-000000) - A request for approval of a conditional use to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Neighborhood Commercial (HNC-1) zoning district pursuant to Sections 18-355, 122-62 and 122-808 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Floodplain Comments](#)
 - [Utilities Comments](#)
 - [Multi Modal Coordinator Comments](#)
 - [Keys Energy Comments](#)
 - [Engineering Comments](#)
 - [Letter of Objection - Smith](#)
 - [Trepanier - Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility](#)
 - [Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [PB Presentation-H2O-1220 Simonton](#)
 - [11.17.21 Conditions Modifications Email to Planning](#)

A motion was made by Mr. Varela, seconded by Mr. Lloyd, that the Board finds that the Applicant’s proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved with the conditions as outlined in the Staff Report amended to strike condition Number 5. The motion carried by the following vote:

- Absent:** 2 - Ms. Brew, and Vice Chair Gilleran
- Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021- 56

15

Variance - 1321 Simonton Street (RE# 00035940-000000) - A request for approval of a variance to conform with parking deficiencies and a variance to off-street required parking to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Commercial Tourist (HCT) zoning district pursuant to Sections 90-395, 108-572, and 108-575(5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Traffic Statement](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Letter of Objection - Fisher](#)
 - [Letter to Withdraw Objection & Convey Support - Fisher](#)
 - [Letter of Objection - Smith](#)
 - [Trepanier -Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [PB Presentation-Southwinds-1321 Simonton](#)

A motion was made by Mr. Lloyd, seconded by Mr. Varela, that the Board finds that all the standards 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 (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

No: 1 - Ms. Henderson

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 4 - Mr. Browning, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolutions 2021-57

16

Conditional Use - 1321 Simonton Street - (RE# 00035940-000000) - A request for approval of a conditional use to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Commercial Tourist (HCT) zoning district pursuant to Sections 18-355, 122-62 and 122-898 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Traffic Statement](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Floodplain Comments](#)
 - [Utilities Comments](#)
 - [Multi Modal Coordinator Comments](#)
 - [Keys Energy Comments](#)
 - [Engineering Comments](#)
 - [Letter of Objection - Smith](#)
 - [Trepanier - Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility](#)
 - [Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [PB Presentation-Southwinds-1321 Simonton](#)

A motion was made by Mr. Varela, seconded by Mr. Lloyd, that the Board finds that the Applicant’s proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved. The motion carried by the following vote:

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-58

17

Variance - 1401 Simonton Street

(RE#00036231-000000) - A request for approval of a variance to conform with parking deficiencies and a variance to off-street required parking to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Commercial Tourist (HCT) zoning district pursuant to Sections 90-395, 108-572, and 108-575(5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Trepanier - Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility](#)
 - [SMS Directors Lama Approval](#)
 - [Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [PB Presentation-Santa Maria-1401 Simonton](#)
 - [11.17.21 Conditions Modifications Email to Planning](#)

A motion was made by Mr. Lloyd, seconded by Mr. Browning, that that the Board finds that all the standards 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 (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

No: 1 - Ms. Henderson

Absent: 2 - Ms. Brew, and Vice Chair Gilleran

Yes: 4 - Mr. Browning, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021-59

18

Conditional Use - 1401 Simonton Street (RE# 00036231-000000) - A request for approval of a conditional use to allow an electronic scooter rental service as an accessory to a hotel use in the Historic Commercial Tourist (HCT) zoning district pursuant to Sections 18-355, 122-62 and 122-898 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [Floodplain Comments](#)
 - [Utilities Comments](#)
 - [Multi Modal Coordinator Comments](#)
 - [Keys Energy Comments](#)
 - [Engineering Comments](#)
 - [Trepanier- Submission - Comp Plan-LDR Consistency Analysis-Lama Mobility](#)
 - [SMS Directors Lama Approval](#)
 - [Presentation - Matter](#)
 - [Good Neighbor Meeting-Emails & Response Summary](#)
 - [PB Presentation-Santa Maria-1401 Simonton](#)
 - [11.17.21 Conditions Modifications Email to Planning](#)

A motion was made by Mr. Varela, seconded by Mr. Lloyd, that the Board finds that the Applicant’s proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to the conditions as outlined in the Staff Report but limiting condition Number 5 to pertain only to the 1300 Block of Elizabeth Street. The motion carried by the following vote:

- Absent:** 2 - Ms. Brew, and Vice Chair Gilleran
- Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Varela, and Chairman Holland

Enactment No: PB Resolution 2021- 60

Public Comments

Board Member Comments

Adjournment - 8:37 P.M.