



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final Planning Board

Thursday, September 19, 2024

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: For City Commission meetings the City Clerk's Office will need a copy of all presentations for the agenda at least 7 days before the meeting.

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

Roll Call

Present 7 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Gilleran, Mr. Russo, Vice Chair Varela, and Chairman Holland

Pledge of Allegiance to the Flag

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

Approval of Minutes

1 June 20, 2024

Attachments: [Minutes](#)

A motion was made by Mr. Batty, seconded by Mr. Browning, to approve the June 20, 2024 Minutes as presented. The motion passed unanimously.

2 July 18, 2024

Attachments: [Minutes](#)

A motion was made by Mr. Batty, seconded by Mr. Varela, to approve the July 18, 2024 Minutes. The motion passed unanimously.

3 July 23, 2024 (Special)

Attachments: [Minutes](#)

A motion was made by Mr. Batty, seconded by Mr. Varela, to approve the July 23, 2024 Special Meeting Minutes. The motion passed unanimously.

Action Items

4 Election of Planning Board Chair and Vice Chair

A motion was made by Mr. Batty, seconded by Mr. Gilleran, to Postpone the election of the Planning Board Chair and Vice-Chair to the November 21, 2024 Planning Board meeting. The motion carried by the following vote:

Yes: 7 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Gilleran, Mr. Russo, Vice Chair Varela, and Chairman Holland

Old Business

5 Variance - 711 Eisenhower Drive (RE# 00023130-000000 & RE# 00072070-000000) - A request for a variance to minimum parking standards to allow for the redevelopment of a marina, providing for zero off-street parking spaces in lieu of the 240 spaces required for property located in the General Commercial and Public and Semi-Public Services zoning districts, pursuant to Sections 90-395 and 108-572 of the Land Development Regulations of the City of Key West, Florida.

Attachments:

[Staff Report](#)

[Planning Package](#)

[Noticing Package](#)

[Boat Launch Data Submittal](#)

[Applicant Presentation](#)

A motion was made by Mr. Batty, seconded by Mr. Browning, 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:

Yes: 7 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Gilleran, Mr. Russo, Vice Chair Varela, and Chairman Holland

Enactment No: PB Resolution 2024-31

6 Major Development Plan and Landscape Waiver - 711 Eisenhower Drive (RE# 00023130-000000, 00072082-002900, & 00072070-000000) - A request for a Major Development Plan and landscape waiver to allow for

the redevelopment of a marina, including the demolition of existing dry storage boat racks and outbuildings, the construction of new boat racks and a restroom facility, seawall repair, maintenance dredging, and a landscape waiver including a reduction of minimum landscape buffer requirements from 30 feet to 9 feet for property located in the General Commercial, Conservation, and Public and Semi-Public Services zoning districts, pursuant to Sections 108-91, 108-517 and 122-32 of the Land Development Regulations of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Planning Package](#)
[Site Plan](#)
[Seawall and Dredging Plans](#)
[Proposed Utility Easement](#)
[8/15/2024 Noticing Package](#)
[7/18/2024 Noticing Package](#)
[Utilities Comments](#)
[Keys Energy Comments](#)

A motion was made by Mr. Varela, seconded by Mr. Batty, that the Planning Resolution be Approved subject to conditions outlined in the staff report.

Yes: 7 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Gilleran, Mr. Russo, Vice Chair Varela, and Chairman Holland

Enactment No: PB Resolution 2024-32

- 7 Variance - 418 United Street (RE# 00029000-000000) - A** request for variances to the minimum required side yard setback in order to install air conditioning units at a property located in the Historic High Density Residential (HHDR) zoning district, pursuant to Sections 90-395 and 122-630 (6) of the Land Development Regulations of the City of Key West, Florida.

Attachments: [Staff Report](#)
[8/15/2024 Noticing Package](#)
[Planning Package](#)
[4/18/2024 Noticing Package](#)
[Applicant Letter](#)
[KWFD Fire Marshal - 418 United Street Life Safety Concern](#)
[Peter Janker - Requesting Consideration of Easement](#)
[CBO - Rejecting Easement Option](#)

Mr. Garcia recused himself from this item and left the dais.

A motion was made by Mr. Gilleran, seconded by Mr. Browning, that the applicant failed to demonstrate all the standards of code Section 90-395(A) and that the application be denied. The motion carried by the following vote:

Recuse: 1 - Mr. Garcia

Yes: 6 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Russo, Vice Chair Varela, and Chairman Holland

Enactment No: PB Resolution 2024-33

New Business

8

Variance - 1817 Staples Avenue (RE: 00047070-000100) -

A request for variances to allow decreases in the minimum front setback from 19.8-feet to 10-feet and minimum rear setback from 19.8-feet to 10-feet to permit the construction of a two-story mixed-use structure with office space and three market rate residential units located within the Limited Commercial (CL) Zoning District pursuant to Sections 90-395 and 122-390 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

Postponed to the October 17, 2024 Planning Board meeting.

9

Minor Development Plan, Conditional Use - 1817 Staples Avenue (RE: 00047070-000100) - A request for a minor development plan for the construction of a two-story

mixed-use structure with office space and a request for conditional use for three market rate residential units located within the Limited Commercial (CL) Zoning District with a proposed affordable work force housing linkage project at 124 Simonton Street

Attachments: [Staff Report](#)
[Planning Package](#)
[Noticing Package](#)
[All Staff Comments 3.27.24](#)

Postponed to the October 17, 2024 Planning Board meeting.

10

Variance - 1415 Rose Street (RE#00058910-000000) -

Applicant seeks a variance to allow for an increase in the maximum permitted building coverage from 35% to 49% to permit an addition to a single-family residence located in the Single Family Zoning District (SF) pursuant to Sections 122-238 and 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Planning Package](#)
[Noticing Package](#)
[Comments- Opposed](#)
[Comments - Support Letters](#)
[Comments- Opposed](#)

A motion was made by Mr. Gilleran, seconded by Mr. Batty, to Postpone the Variance request for 1415 Rose Street until the October 17, 2024 Planning Board meeting. The motion carried by the following vote:

Yes: 7 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Gilleran, Mr. Russo, Vice Chair Varela, and Chairman Holland

11

Land Development Regulations Amendment - Barton W. Smith, Attorney, on behalf of Stockrock SI LLC, Island-West Investment Corp., Poinciana - Venture II LLC, and Meisel Holdings FL - 1321 Simonton Street, seeks to amend the Land Development Regulations Chapter 122 (Zoning) Article V, Division 10 (Work Force Housing) pursuant to Section 90-518 of the Land Development Regulations of the Code of

Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Planning Package](#)
 [Applicant Presentation](#)

Meeting went into Recess at 7:00 P.M.

Meeting Reconvened at 7:03 P.M.

A motion was made by Mr. Gilleran, seconded by Mr. Batty, to Postpone the Land Development Regulations Amendment to the November 21, 2024 Planning Board meeting. The motion carried by the following vote:

Yes: 7 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Gilleran, Mr. Russo, Vice Chair Varela, and Chairman Holland

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Request for Postponement by Staff: Text Amendment of the Land Development Regulations - A Resolution of the City of Key West Planning Board recommending an ordinance to the City Commission to amend Land Development Regulations Chapter 110, entitled "Resource Protection", Article VI entitled "Tree Protection", to establish a requirement for homeowners to produce dangerous tree declarations to city staff pursuant to F.S. 163.045; to establish a procedure by which the Tree Commission and City staff may submit potential ethics violations to the International Society of Arboriculture regarding compliance with Florida statute 163.045 and associated tree removal; providing for penalties; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [State Law Resolution Staff Report with Attachments](#)
 [Tree Commission Resolution TC 24-03](#)

Postponed until the October 17, 2024 Planning Board meeting.

Reports

13

Building Permit Allocation System (BPAS) Annual Report - Presentation of the tracking and monitoring requirements as required by Section 108-995 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Year 11 Annual Report](#)

Received and Filed

Public Comment

Board Member Comment

Adjournment - 7:22 P.M.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>WAYNE GARCIA</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PLANNING BOARD</i>
MAILING ADDRESS <i>3005 AIRPORT BLVD</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Katy West FL</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION: <i>CITY COMMISSION</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, Wayne Garcia, hereby disclose that on _____, 20 _____:

(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 _____, 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:

Date Filed

9/19/24

Signature

Wayne Garcia

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.