



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Thursday, June 15, 2023

5:00 PM

City Hall

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**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

**Absent** 1 - Mr. Browning

**Present** 5 - Mr. Gilleran, Ms. Henderson, Mr. Russo, Vice Chair Varela, and Chairman Holland

#### Pledge of Allegiance to the Flag

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

#### Administering the Oath by the Clerk of the Board

#### Approval of Minutes

1 May 18, 2023

**Attachments:** [Minutes](#)

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

#### Action Items

**2 Election of Planning Board Chair and Vice Chair**

A motion was made by Mr. Russo, seconded by Mr. Varela, to nominate Chairman Holland (who accepted nomination) to remain as Chairperson. The motion passed by unanimous vote.

A motion was then made by Mr. Russo to nominate Vice Chair Gilleran (who declined nomination) to remain as Vice Chair. That motion was not seconded and failed.

A motion was made by Vice Chair Gilleran, seconded by Mr. Russo, to nominate Mr. Varela as new Vice-Chair. The motion passed by unanimous vote.

**Old Business****3 Official Future Land Use Map Amendment and Text Amendment of the Comprehensive Plan - 715 Seminole Avenue (RE # 00037230-000100) and 811 Seminole Avenue (RE # 00037160-000100) -**

Consideration of an ordinance of the City of Key West, Florida, proposing an amendment to the boundaries of the Official Future Land Use Map from Historic Residential to Historic Commercial to allow rezoning to permit transient lodging and additional land uses for properties located at 715 Seminole Avenue and 811 Seminole Avenue; amending Comprehensive Plan Chapter 1, Future Land Use Element, Objective 1-1.1: - Future Land Use Map, to provide transient rental licenses to incentive the development of affordable workforce housing for the parcels stated above pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; providing for severability; providing for the inclusion in the City of Key West Comprehensive Plan; and providing for an effective date.

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

Postponed to September 21, 2023

- 4                   **Official Zoning Map Amendment - 715 Seminole Avenue (RE # 00037230-000100) and 811 Seminole Avenue (RE # 00037160-000100)** - Consideration of an ordinance of the City of Key West, Florida, proposing amendments to the boundaries of the Official Zoning Map for properties located at 715 Seminole Avenue and 811 Seminole Avenue; amending the boundaries of the Official Zoning Map category from Historic Medium Density Residential (HMDR) to Historic Commercial Tourist (HCT) for the parcels stated above pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; providing for severability; providing for an effective date.

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

Postponed to September 21, 2023

- 5                   **Withdrawn by Staff - Text Amendment of the Land Development Regulations** - A request to the Planning Board to recommend an ordinance to the City Commission to amend Chapter 122 of the Land Development Regulations entitled “Zoning”, Article IV entitled “Districts”, Division 1 entitled “Generally”, Section 122-93 entitled “Official zoning map and district boundaries.”; to allow for the Official Zoning Map to be embedded into the Land Development Regulations.

Attachments:    [Staff Report](#)  
                          [Draft Ordinance](#)

Withdrawn

## New Business

**6**                                **Final Determination of Award for Year 10 Building Permit Allocation System (BPAS) Applications** pursuant to Section 108-995 and Section 108-997 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**     [Staff Report](#)  
                                  [317 Whitehead Street Planning Package](#)  
                                  [423 Bahama Street Planning Package](#)  
                                  [717 Duval Street Planning Package](#)  
                                  [715 Seminole Avenue Planning Package](#)  
                                  [811 Seminole Avenue Planning Package](#)  
                                  [918 James Street Planning Package](#)  
                                  [1000 Virginia Street Planning Package](#)

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

- Absent:** 1 - Mr. Browning
- Yes:** 5 - Mr. Gilleran, Ms. Henderson, Mr. Russo, Vice Chair Varela, and Chairman Holland
- Enactment No: PB Resolution 2023-10

**7**                                **Variance - 3222 Riviera Drive (RE# 00069440-000000) -**  
 A request for variances to the maximum building coverage requirement in order to build an addition to a single-family dwelling at a property located in the Single-Family zoning district, pursuant to Sections 90-395 and 122-238(4)a of the Land Development Regulations of the City of Key West, Florida.

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

**A motion was made by Mr. Varela, seconded by Mr. Russo, 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, except Condition #2 which is hereby stricken. The motion carried by the following vote:**

- Absent:** 1 - Mr. Browning

**Yes:** 5 - Mr. Gilleran, Ms. Henderson, Mr. Russo, Vice Chair Varela, and Chairman Holland

Enactment No: PB Resolution 2023-11

**8**                    **Transfer of a Transient Unit and License** - A request to transfer one (1) transient unit and license in unassigned status to a receiver site property located at 423 Front Street (RE# 00000160-000000) in the Historic Residential Commercial Core-1 zoning district pursuant to Sections 122-1338, 122-1339 and 122-687 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
  - [Noticing Package](#)
  - [Revised Planning Package 4.26.23](#)
  - [Utilities Comments 4.26.23](#)
  - [Keys Energy Comments 4.26.23](#)
  - [Applicant's Response to 2.23.23 DRC Comments](#)
  - [Planning Package 02.23.23 - Superseded](#)
  - [Applicant Presentation](#)

**A motion was made by Mr. Russo, seconded by Mr. Varela, that the Planning Resolution be Approved subject to the conditions as outlined in the staff report with the following amendments to conditions:**

- #4 - Add second sentence to read 'The owner shall execute an acknowledgement that a third unit shall not be built unless the code changes.'**
- #5 - Strike completely**
- #6 - Shall read 'The property owner shall seek an easement agreement for all existing encroachments.'**
- #7 - Change 'Land Development Regulations' to 'Code of Ordinances' in first sentence. Add 'or through an agreement with Waste Management' to the end of the second sentence.**
- #8 - Strike the first sentence completely.**
- #9 - No changes**

**The motion carried by the following vote:**

**Absent:** 1 - Mr. Browning

**Yes:** 5 - Mr. Gilleran, Ms. Henderson, Mr. Russo, Vice Chair Varela, and Chairman Holland

Enactment No: PB Resolution 2020-12

- 9                    **Text Amendment of the Comprehensive Plan** - A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission to amend development review procedures, dissolve the Development Review Committee (DRC) and assign to the Planning Board any quasi-judicial responsibilities currently held by the DRC by amending Comprehensive Plan Chapter 1, entitled "Future Land Use Element", Objective 1-1.13, entitled "Intergovernmental Coordination.", Policy 1-1.13.6, entitled "Naval Air Station Key West Representation Development Review Committee."; and Chapter 8: - Intergovernmental Coordination Element, Goal 8-1, entitled "Provide mechanisms for improved intergovernmental coordination.", and Policy 8-1.1.3, entitled "Principles and Guidelines to be used in Coordination of Development and Growth Management Issues."; providing for severability; providing for repeal of inconsistent provisions; and providing for an effective date.

**Postponed to July 19, 2023**

10

**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 the Land Development Regulations to amend development review procedures, dissolve the Development Review Committee (DRC) and assign to the Planning Board any quasi-judicial responsibilities currently held by the DRC, by amending Land Development Regulations Chapter 2, entitled "Administration", Article VIII, entitled "City Property", Division 3, entitled "Real Property Disposition", Section 2-940, entitled "Summary procedure."; Chapter 30, entitled "Fire Prevention and Protection", Article I, entitled "False Alarms", Section 30-9, entitled "Schedule of inspection fees."; Chapter 90, Article V, Entitled "Permits, Certificate of Occupancy, Variances, Appeals", Division 3, entitled "Variances", Section 90-398, entitled "Administrative variances"; Article VII, entitled "Vacation of easements and right-of-way", Section Sec. 90-587, entitled "Application and review by development review committee."; Section 90-588, entitled "Findings of no public purpose."; Section 90-589, entitled "Public hearing, notice and final determination by city commission."; Chapter 90, entitled "Administration", Article IX, entitled "Development Agreements," Section 90-682, entitled "Content"; Chapter 94, entitled "Concurrency management", Article II, entitled "Administration", Section 94-31, entitled "Responsibilities of city planner."; and Section 94-32, entitled "Application for concurrency review."; Chapter 108, entitled "Planning and Development", Article II, entitled "Development Plan", Division 3, entitled "Applicability and filing procedure," Section 108-93, entitled "Filing, application and fee.", Section 108-94, entitled "Review by staff."; Section 108-95, entitled "Performance guarantee.", Chapter 118, entitled "Subdivisions", Article II, entitled "Administration", Division 2, entitled "Waiver or Modification", Section 118-70, entitled "Resolution of technical issues by administrative official."; and Article III, entitled "Plats and Plans", Division 2, entitled

"Lot Split and Minor Subdivision Procedures", Section 118-169, entitled "Lot splits."; Chapter 122, entitled "Zoning", Article II, entitled "Nonconformities", Section 122-28, entitled "Replacement or reconstruction."; Article III, entitled "Conditional Uses", Section 122-63, entitled "Review; enforcement"; and Article V, entitled "Supplementary district regulations", Division 6, entitled "Transient Units", Section 122-1340, entitled "Development review committee and planning board review."; and by repealing Section 108-61, entitled "Established and membership.", Section 108-62, entitled "Offices and procedures.", Section 108-63, entitled "Powers and Duties.", and Section 108-64, entitled "General considerations." of Chapter 108, entitled "Planning and Development", Article II, entitled "Development Plan", Division 2, entitled "Development Review Committee"; and by creating Section 108-61, entitled "Coordinated development review; applicability.", Section 108-62, entitled "Coordinated development review; purpose and intent.", and Section 108-63, entitled "Coordinated development review procedures.", and Section 108-64, entitled "Development review meeting", and Section 108-65, entitled "General considerations.", and Section 108-66, entitled "Life safety review." in Chapter 108, entitled "Planning and Development", Article II, entitled "Development Plan", Division 2, entitled "Development Review Committee"; providing for concurrent and conditional adoption upon adoption of comprehensive plan amendments; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Postponed to July 19, 2023

## Discussion Items

- 11                    Revise December Planning Board meeting date from December 14, 2023 to December 12, 2023
- Discussed



**Reports**

**Public Comment**

**Board Member Comment**

**Adjournment - 6:22 P.M.**