



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, October 17, 2019

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.

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

Roll Call

Absent 1 - Mr. Browning

Present 6 - Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Pledge of Allegiance to the Flag

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

Administering the Oath by the Clerk of the Board

Approval of Minutes

1 September 19, 2019

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 a unanimous vote.

2 **Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit F (RE# 00072082-003904) - A** request to allow the display of merchandise sold in-store, for AER Photography Inc., located on Lazy Way Lane, Unit F in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

- Attachments:** [Staff Report](#)
 [Resolution](#)
 [*Large File* Package](#)
 [*Large File* Noticing package](#)
 [Planning Board Resolution 2011-056](#)
 [Noticing Package](#)

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

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

Enactment No: PB Resolution 2019-68

3 **Variances - 1019 16th Terrace - (RE# 00057420-000000) - A** request for variance approvals for the maximum building coverage and minimum rear yard setback requirements in order to construct a carport in the front yard and construct an addition in the rear yard on property located within the Single Family (SF) 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](#)
 [Noticing Package](#)

A motion was made by Mr. Lloyd, 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 be Passed subject to the conditions set forth on the staff report. The motion carried by the following vote:

- No:** 1 - Ms. Henderson

Absent: 1 - Mr. Browning

Yes: 5 - Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-69

Old Business

4

POSTPONED BY STAFF:

Future Land Use Map (FLUM) Amendment - 318-324

Petronia Street (802-806 Whitehead Street (RE #

00014010-000000) - A request to amend the boundaries of the Comprehensive Plan Future Land Use Map (FLUM) from Historic Residential (HR) to Historic Commercial (HC) for the parcel 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.

- Attachments:**
- [Staff Report](#)
 - [Resolution](#)
 - [*Large File* Package](#)
 - [August Noticing Package](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Public Comment](#)
 - [Trepanier Presentation](#)

Postponed

5

POSTPONED BY STAFF:

Official Zoning Map Amendment - 318-324 Petronia Street (802-806 Whitehead Street (RE #

00014010-000000) - A request to amend the boundaries of the Official Zoning Map from Historic Medium Density Residential (HMDR) to Historic Neighborhood Commercial District - 3 (HNC-3) for the parcel 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.

- Attachments:** [Staff Report](#)
[Resolution](#)
[*Large File* Package](#)
[August Noticing Package](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Trepanier Presentation](#)

Postponed

6

Transient Unit & License Transfer - One (1) unit & license assigned to 1213 Georgia Street Unit 3 (RE# 00035240-000000) and one (1) transient motel license in unassigned status (lic. no. 34121) to 5 Key Cove Drive #5 (RE# 00002410-000505) - A request to transfer one transient unit & license from property located within the Historic Medium Density Residential (HMDR) zoning district and one transient motel license in unassigned status to a property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:
- [Staff Report](#)
 - [Package](#)
 - [Resolution](#)
 - [Public Comment](#)
 - [Key Cove Public Comments](#)
 - [Public Comment](#)
 - [Noticing Package](#)

A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm's activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-70

7

Transient Unit & License Transfer - One (1) unit & license in unassigned status (previously 421 Simonton Street Unit 3; RE# 00006360-000000) to 10 Key Cove Drive #10 (RE# 00002410-000510) and forfeiture of one (1) transient “no use permitted” license assigned to 3 Key Cove Drive (RE# 00002410-000503) and one (1) transient “no use permitted” license assigned to 10 Key Cove Drive (RE# 00002410-000510) - A request to transfer one transient unit & license in unassigned status to property located within the Commercial General (CG) zoning district and forfeit and return to the City of Key West two transient “no use permitted” licenses assigned to two separate properties located within the CG district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Package](#)
 [Resolution](#)
 [Public Comment](#)
 [Key Cove Public Comments](#)
 [Public Comment](#)
 [Noticing Package](#)

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-71

8 Transient Unit & License Transfer - One (1) unit & license in unassigned status (previously 421 Simonton Street Unit 2; RE# 00006360-000000) to 9 Key Cove Drive #9 (RE# 00002410-000509) and forfeiture of one (1) transient “no use permitted” license assigned to 6 Key Cove Drive (RE# 00002410-000506) and one (1) transient “no use permitted” license assigned to 8 Key Cove Drive (RE# 00002410-000508) - A request to transfer one transient unit & license in unassigned status to property located within the Commercial General (CG) zoning district and forfeit and return to the City of Key West two transient “no use permitted” licenses assigned to two separate properties located within the CG district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Package](#)
 [Resolution](#)
 [Public Comment](#)
 [Key Cove Public Comments](#)
 [Public Comment](#)
 [Noticing Package](#)

A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm’s activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-72

9 Transient Unit & License Transfer - One (1) unit & license in unassigned status (previously 421 Simonton Street Unit 1; RE# 00006360-000000) to 8 Key Cove Drive #8 (RE# 00002410-000508) and forfeiture of one (1) transient “no use permitted” license assigned to 1 Key Cove Drive (RE# 00002410-000501) and one (1) transient “no use permitted” license assigned to 4 Key Cove Drive (RE# 00002410-000504) - A request to transfer one transient unit & license from unassigned status to property located within the Commercial General (CG) zoning district and forfeit and return to the City of Key West two transient “no use permitted” licenses assigned to two separate properties located within the CG district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Package](#)
 [Resolution](#)
 [Public Comment](#)
 [Key Cove Public Comments](#)
 [Public Comment](#)
 [Noticing Package](#)

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-73

10

Transient Unit & License Transfer - One (1) license assigned to 307 Elizabeth Street Unit 1 and one (1) unit & license assigned to 307 Elizabeth Street Unit 4 (RE# 00003690-000000) to 6 Key Cove Drive #6 (RE# 00002410-000506) - A request to transfer one transient unit & license and one transient license from two separate properties located within the Historic Medium Density Residential (HMDR) zoning district to a property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Package](#)
 [Resolution](#)
 [Public Comment](#)
 [Key Cove Public Comments](#)
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A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm's activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-74

11

Transient Unit & License Transfer - One (1) unit & license assigned to 307 Elizabeth Street Unit 3 (RE# 00003690-000000) and one (1) transient motel license in unassigned status (lic. no. 31652) to 4 Key Cove Drive # 4 (RE# 00002410-000504) - A request to transfer one transient unit & license from property located within the Historic Medium Density Residential (HMDR) zoning district and one transient motel license in unassigned status to a property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Package](#)
 [Resolution](#)
 [Public Comment](#)
 [Key Cove Public Comments](#)
 [Public Comment](#)
 [Noticing Package](#)

A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm's activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-75

12

Transient Unit & License Transfer - One (1) unit & license assigned to 307 Elizabeth Street Unit 2 (RE# 00003690-000000) and one (1) license assigned to 1213 Georgia Street Unit 1 (RE# 00035240-000000) to 7 Key Cove Drive #7 (RE# 00002410-000507) - A request to transfer one transient unit & license and one transient license from two separate properties each located within the Historic Medium Density Residential (HMDR) zoning district to a property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:
- [Staff Report](#)
 - [Package](#)
 - [Resolution](#)
 - [Public Comment](#)
 - [Key Cove Public Comments](#)
 - [Public Comment](#)
 - [Noticing Package](#)

A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm's activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-76

13

POSTPONED 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 amending Chapter 86 of the Land Development Regulations, entitled “General Provisions”, Section 86-9, entitled “Definition of terms”; 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](#)

Postponed

14

POSTPONED 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 amending Chapter 122 of the Land Development Regulations, entitled “Zoning”, Section 122-1342, entitled “Historic structures”; 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](#)
 [Ordinance 02-05](#)
 [Ordinance 05-09](#)

Postponed

New Business

15

Transient Unit/License Transfer - One (1) license in unassigned status (lic. no. 34120) to 1 Key Cove Drive #1 (RE# 00002410-000501) - A request to transfer one transient license in unassigned status to a property located within the General Commercial (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Package](#)
 [Resolution](#)
 [Key Cove Landings LLC BTRs](#)
 [First Amendment Declaration Key Cove Landing Condo Assn. recorded](#)
 [Engineering Comments](#)
 [Floodplain Comments](#)
 [Keys Energy Comments](#)
 [Urban Forestry Comments](#)
 [Noticing Package](#)

A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm's activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-77

16

Transient Unit/License Transfer - One (1) license in unassigned status (lic. no. 34119) to 2 Key Cove Drive #2 (RE# 00002410-000502) - A request to transfer one transient license in unassigned status to a property located within the General Commercial (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Package](#)
 [Resolution](#)
 [Key Cove Landings LLC BTRs](#)
 [First Amendment Declaration Key Cove Landing Condo Assn. recorded](#)
 [Engineering Comments](#)
 [Floodplain Comments](#)
 [Keys Energy Comments](#)
 [Urban Forestry Comments](#)
 [Noticing Package](#)

A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm's activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-78

17

Transient Unit/License Transfer - One (1) license in unassigned status (lic. no. 34118) to 3 Key Cove Drive #3 (RE# 00002410-000503) - A request to transfer one transient license in unassigned status to a property located within the General Commercial (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Package](#)
 - [Resolution](#)
 - [Key Cove Landings LLC BTRs](#)
 - [First Amendment Declaration Key Cove Landing Condo Assn. recorded](#)
 - [Engineering Comments](#)
 - [Floodplain Comments](#)
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A motion was made by Mr. Russo, seconded by Vice Chair Gilleran, that due to special conditions that exist at the receiver site, the Planning Resolution be Passed subject to conditions set forth in the staff report and with the added condition that a decibel meter shall be placed at the property and set to activate an automatic silent alarm from dusk until dawn to notify the owner/agent of the unit who will immediately respond to eliminate the cause of the alarm's activation. The motion carried by the following vote:

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

Recuse: 1 - Mr. Varela

Absent: 1 - Mr. Browning

Yes: 3 - Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-79

18

WITHDRAWN BY APPLICANT:**Variances - 317 Virginia Street (RE # 00025880-000000)**

- A request for variances to the minimum rear yard setback requirement, the minimum side yard setback requirement, the maximum allowable impervious surface ratio, the maximum allowable building coverage ratio, and the maximum allowable accessory structure coverage in a required rear yard in order to construct a single-family residence with swimming pool and decking at a 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.

Attachments: [Staff Report](#)
[Package](#)
[Signed Allocation Letter.pdf](#)
[Noticing Package](#)

Withdrawn

19

Major Development Plan - Mallory Square (RE # 0072082-001100, 0000170-000000, 00072082-003700, 00072082-001400, 00072082-001900) - A request for a reevaluation and approval of a major development plan and business plan for properties located in the HPS zoning district, to determine and confirm compliance with the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, considering modifications made by the applicant after receiving a recommendation of approval from the Planning Board via Resolution No. 2016-51, pursuant to Chapter 108, Divisions 3 and 6.

Attachments: [Staff Report for Reevaluation and Approval](#)
[Noticing Package](#)
[Resolution 19-275](#)
[Administrative Appeal](#)
[Mallory Square Administrative Determination](#)
[HARC Plan Set Denied December 14, 2016](#)
[HARC Plan Set Denied May 23, 2017](#)
[Planning Director's E-mail to City Manager](#)
[Response to RFP from Tropical Soup, Corporation](#)
[Memorandum of Opposition from Tannex Development LC](#)
[September 4, 2019 BOA Meeting Transcript](#)
[PB Resolution 2016-51 and approved plan set](#)
[Mallory Response to Opposition Memo planning Oct 2019](#)
[Mallory Executive Summary City Commission May 2019](#)
[Tropical Soup 10-04-2019 Planning Submittal \(1\) \(1\)](#)
[Mallory RFP Design \(1\)](#)
[Development plan analysis Mallory Oct 2019 \(3\)](#)
[Mallory Executive Summary Planning Sept 2016 \(1\)](#)
[New Tropical Soup 1-17-2017 \(1\)](#)
[1 Whitehead SURVEY City of KW lease to HTA Aug 2018 EAM SIGNED AND SEALED 08092018 \(4835-2856-5104 v1\) \(3\) \(1\)](#)
[2019-06-24 mallory traffic \(1\).jpg](#)
[2018-01-11 parking mallory \(1\).jpg](#)
[October 15 2019 mallory.jpeg.jpg](#)
[061819-KWCC-Resolution Transcript](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Planning Resolution be Passed subject to all conditions set forth in the staff report. The

motion carried by the following vote:

No: 2 - Mr. Varela, and Vice Chair Gilleran

Absent: 1 - Mr. Browning

Yes: 4 - Ms. Henderson, Mr. Lloyd, Mr. Russo, and Chairman Holland

Enactment No: PB Resolution 2019-80

Reports

20

Report on Governance of City of Key West Planning Board

Attachments: [*Large File* Report](#)

Received and Filed

Public Comments

Board Comments

Adjournment - 7:17 P.M.