



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Wednesday, November 20, 2024

9:00 AM

City Hall

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#### Special Meeting

**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 - 9:00 A.M.**

#### Roll Call

**Absent** 1 - Mr. Russo

**Present** 5 - Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

#### Pledge of Allegiance to the Flag

#### Approval of Agenda

*The agenda was unanimously approved as amended*

#### Action Items

1 Elect Planning Board Chairman & Vice Chairman

Postponed to regular meeting November 21, 2024

2 Approve Proposed 2025 Meeting Dates

**Attachments:** [Proposed 2025 Planning Board Meeting Dates](#)

A motion was made by Mr. Batty, seconded by Mr. Browning, that the Action Item be Postponed to November 21, 2024. The motion carried by the following vote:

**Absent:** 1 - Mr. Russo

**Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

## Old Business

3

**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 and decrease in the minimum parking requirement from 14 spaces to 12 spaces 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, 108-572, and 122-390 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**    [Resolution](#)  
[Staff Report](#)  
[11.20.24 Noticing Package](#)  
[10.17.24 Noticing Package](#)  
[Planning Package](#)

Vice Chair Varela passed the gavel to Mr. Browning, recused himself from this Item and Item #4 and left the dais.

A motion was made by Mr. Batty, seconded by Mr. Garcia, that the Item #3 and Item #4 be Postponed to November 21, 2024. The motion failed with Misterys Batty, Browning, and Garcia, voting Yes and Mr. Warren voting No. (Special Planning Meetings require 4 affirmative votes in order to approve an item)

A motion was then made by Mr. Batty, seconded by Mr. Garcia, that the Item #3 and Item #4 be Postponed to December 19, 2024. The motion carried by the following vote:

**Recuse:** 1 - Vice Chair Varela

**Absent:** 1 - Mr. Russo

**Yes:** 4 - Mr. Batty, Mr. Browning, Mr. Garcia, and Mr. Warren

4

**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 a Conditional Use Permit 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 pursuant to Chapter 108, Section 108-91; Chapter 122, Article IV, Division 4; and Chapter 122, Article V, Division 10, entitled "Work Force Housing", of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**[Resolution](#)[Staff Report](#)[11.20.24 Noticing Package](#)[9.19.24 Noticing Package](#)[Conceptual Landscape Plan Approval Letter](#)[Planning Package](#)[All Staff Comments 3.27.24](#)**Postponed to December 19, 2024****Recuse:** 1 - Vice Chair Varela**Absent:** 1 - Mr. Russo**Yes:** 4 - Mr. Batty, Mr. Browning, Mr. Garcia, and Mr. Warren**Administering the Oath by the Clerk of the Board**

5

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

Vice Chair Varela returned to the dais, accepted the gavel back from Mr. Browning, and resumed his place as presiding officer.

A motion was made by Mr. Browning, seconded by Mr. Warren, that the Text Amendment be Approved. The motion carried by the following vote:

**Absent:** 1 - Mr. Russo

**Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

Enactment No: PB Resolution 2024-34

**New Business**

6

**Minor Development Plan and Conditional Use - 430 Greene Street (RE# 00001470-000100)** - A request for a Minor Development Plan and Modification to an existing Conditional Use approval to reconstruct a two-story commercial structure for use as a bar and modify the conditions of the existing conditional use approval, at property located in the Historic Residential Commercial Core - 1 (HRCC-1) Zoning District, pursuant to Section 108-91, 122-62, and 122-688 of the Land Development Regulations of the Code of Ordinances of City of Key West, Florida.

**Attachments:**     [Staff Report](#)  
                              [Draft Resolution](#)  
                              [11.20.24 Noticing Package](#)  
                              [10.17.24 Noticing Package](#)  
                              [Planning Package](#)  
                              [Landscape Plan Approval-Tree Commission](#)  
                              [Utilities Comments](#)  
                              [Keys Energy comments](#)  
                              [Engineering comments](#)  
                              [Urban Forestry Comments](#)

A motion was made by Mr. Batty, seconded by Mr. Browning, that the Board finds the Applicant's proposed Conditional Use demonstrates all of the requirements of code Section 122-62(c) and that the Application for Minor Dev/Conditional Use be Approved subject only to Conditions #1, #3, #11, #12, and #14 as outlined in the Staff Report and with adding 'unless a right-of-way permit is obtained' to the end of Condition #14.

Mr. Warren then made a motion to Amend to include Condition #8 from the Staff Report in addition to the approval. That motion failed for a lack of a second.

The main motion then carried by the following vote:

**Absent:** 1 - Mr. Russo

**Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

Enactment No: PB Resolution 2024-35

*A motion was made by Mr. Batty, seconded by Mr. Garcia, to table the Variance and Major Development Plan for 619-621 Duval Street to the end of the meeting. The motion passed unanimously.*

7

**Transfer of Transient Unit & License - 1004 Eaton Street (RE# 00005290-000000) to 423 Front Street (RE# 00000160-000000) -** A request for a transfer of two transient units and licenses from a property located at 1004 Eaton Street in the Historic Medium Density Residential zoning district to property located at 423 Front Street in the Historic Residential Commercial Core - 1 zoning district, pursuant to Section 122-1338 of the Land Development Regulations of the City of Key West, Florida.

**Attachments:**     [Staff Report](#)  
[423 Front Street Noticing Package](#)  
[1004 Eaton Street Noticing Package](#)  
[Planning Package](#)  
[Keys Energy - Comments](#)

A motion was made by Mr. Garcia, seconded by Mr. Batty, that the proposed application demonstrates all the requirements in Section 122-1338 and to Approve subject to the requirements as outlined in the (revised and presented) Staff Report with striking Condition #2 and adding a condition requesting that the applicant meet with legal to determine if revisions are needed for the existing deed restriction. The motion carried by the following vote:

**Absent:** 1 - Mr. Russo

**Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

Enactment No: PB Resolution 2024-36

*A motion was made by Mr. Batty, seconded by Mr. Garcia, to remove the two previously tabled items (Variance and Maj Dev Plan for 619-621 Duval Street) from the table and hear them after Item #7. The motion passed unanimously.*

8

**Variance - 619-621 Duval Street (RE: 00012380-000000)**

- Applicant seeks a variance to allow for an increase in the maximum permitted building coverage from 50% to 78%, maximum impervious surface coverage from 70% to 86%, and minimum open space percentage from 20% to 14% to permit the construction of a multi-family residence located in the Historic Residential Commercial Core Zoning District (HRCC-1) pursuant to Sections 122-690 and 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [MDP & VAR Staff Report](#)  
                              [Noticing Package](#)  
                              [Planning Package](#)

A motion was made by Mr. Garcia, seconded by Mr. Batty, 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:**    1 -    Mr. Russo

**Yes:**     5 -    Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

Enactment No: PB Resolution 2024-37

9

**Major Development Plan - 619-621 Duval Street (RE# 00012380-000000) -** A request for a major development plan approval for the development of six residential market rate units, on a property located within the Historic Residential Commercial Core -1 (HRCC-1) Zoning District, pursuant to Chapter 122, Article IV, Division 7, Subdivision II, entitled "HRCC-1 Duval Street Gulfside District"; and Chapter 108, Article II, Division 3, entitled "Scope; major and minor developments" of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [Staff Report](#)  
                              [Noticing Package](#)  
                              [Planning Package](#)  
                              [Conceptual Landscape Approval Letter](#)  
                              [Utilities Comments](#)  
                              [Urban Forestry Comments](#)  
                              [Keys Energy Comments](#)

**A motion was made by Mr. Batty, seconded by Mr. Garcia, that the Major Development Plan be Approved. The motion carried by the following vote:**

**Absent:**    1 -    Mr. Russo

**Yes:**     5 -    Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

Enactment No: PB Resolution 2024-38

*Meeting went into Recess - 11:28 A.M.*

*Meeting Reconvened - 11:35 A.M.*

*After the meeting reconvened, a motion was made by Mr. Batty, seconded by Mr. Browning, to reconsider Item #9. That motion passed unanimously.*

*Then, a motion was made by Mr. Batty, seconded by Mr. Garcia, to Approve the Major Development Plan subject only to Conditions #1, #2, #4, #5, and #6 as outlined in the Staff Report with 'unless a right-of-way permit has been obtained' added to Condition #4. The motion passed unanimously.*



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 Land Development Regulations Chapter 122 entitled "Zoning", Article IV entitled "Districts", Division 4 entitled "Commercial Districts", Subdivision II entitled "Limited Commercial District" (CL), Subdivision III entitled "General Commercial District" (CG), Division 7 entitled "Historical Residential Commercial Core Districts" (HRCC - 1 to 3), Article V entitled "Supplementary District Regulations", Division 13 entitled "Tattoo Establishments", and Chapter 86 entitled "General Provisions", Section 86-9 entitled "Definition of Terms"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

**A motion was made by Mr. Garcia, seconded by Mr. Browning, that the Text Amendment be Approved. The motion carried by the following vote:**

**Absent:**   1 -   Mr. Russo

**Yes:**   5 -   Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

Enactment No: PB Resolution 2024-39

11

**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 90 entitled "Administration", Article VI entitled "Amendments" to allow for the establishment of Zoning In Progress Doctrine by resolution of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**     [Staff Report](#)  
                              [Last Stand Comments](#)

**A motion was made by Mr. Browning, seconded by Mr. Batty, that the Planning Resolution be Postponed to December 19, 2024. The motion carried by the following vote:**

**Absent:**   1 -   Mr. Russo

**Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Warren, and Vice Chair Varela

**Adjournment - 11:51 A.M.**