



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Thursday, January 17, 2019

6:00 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.

**ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.**

**Call Meeting To Order - 6:00pm**

#### Roll Call

**Absent** 1 - Mr. Varela

**Present** 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

#### Pledge of Allegiance to the Flag

#### Approval of Agenda

The agenda was approved as amended.

#### Approval of Minutes

1 November 15, 2018 (Regular)

**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 an unanimous vote.

#### Old Business

**2**                    **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 108 of the Land Development Regulations, entitled "Planning and Development", Article X, Division 1, Section 108-991, entitled "Development not affected by article"; 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](#)  
                              [Email from Owen Trepanier](#)  
                              [Email from Barbara Powell](#)

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

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

Enactment No: 2019-01

**3**                    **After-the-Fact Variance - 816 Fleming Street (RE # 00008290-000000)** - A request for variances to the minimum front-yard and side-yard setback requirements in order to maintain a zero foot front and side yard setback on property located within the Historic Neighborhood Commercial District (HNC-2) zoning district pursuant to Section 90-395 and 122-840 (6) a. and b.

**Withdrawn**

**4**                    **Postponed by Staff: Variance - 715 Fleming Street - (RE# 00006200-000000)** - A request for variance to the maximum allowed building coverage requirement in order to construct a one-story addition in the side yard on 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, Florida.

- Attachments:**    [Noticing Package](#)

**Withdrawn**

**5**                    **Exception for Outdoor Merchandise Display - 205 Elizabeth Street, Unit H - (RE# 00072082-003904)** - A request for an exception for outdoor merchandise display on property located on Lazy Way Lane, Unit H in the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) Zoning District per the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**    [\\*Large File\\* Staff Report](#)  
                                  [Resolution](#)  
                                  [\\*Large File\\* Package](#)  
                                  [Planning Board Resolution 2011-58](#)  
                                  [Noticing Packet](#)

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

- No:**    1 - Mr. Lloyd
- Absent:** 1 - Mr. Varela
- Yes:**    5 - Mr. Browning, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland
- Enactment No: 2019-02

**6**                    **Variance - 715 Fleming Street - (RE# 00006200-000000)** - A request for variances to the maximum allowed building coverage, and the minimum rear setback requirement to construct a one story covered porch on 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, Florida.

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

**A motion was made by Mr. Lloyd, seconded by Mr. Russo to approve the item. The motion was withdrawn and the second was withdrawn.**  
**A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Planning Resolution be Postponed to February 21st. The motion carried by the following vote:**

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

7

**Alcohol Sales Exception - 821 Duval Street (RE#**

**00016820-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral home property in order to serve beer, wine and liquor for a restaurant on property located within the Duval Street Oceanside (HRCC-3) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

- Attachments:**    [Staff Report](#)  
                               [Resolution](#)  
                               [\\*Large File\\* Package](#)  
                               [2019-01-16 Letter to Joseph Schroeder.pdf](#)  
                               [Letter of Objection 1.16.19](#)

**A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Board finds that all the standards set forth in the code Section 18-28 B (2) have been met by the Applicant, that the Applicant has demonstrated a "Good Neighbor Policy" and that the Alcohol Sales Exemption be Passed subject to conditions set forth on the staff report and that the Planning Resolution be Approved. The motion carried by the following vote:**

- Recuse:** 1 - Vice Chair Gilleran
- Absent:** 1 - Mr. Varela
- Yes:** 5 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, and Chairman Holland
- Enactment No: 2019-03

8

**Amendment to a Conditional Use - 821 Duval Street (RE#**

**00016820-000000) - A request for an amendment to a conditional use approval to include a 5COP liquor license allowing for the sale of liquor on property located within the Duval Street Oceanside (HRCC-3) Zoning District pursuant to the Code of Ordinances of the City of Key West, Florida.**

- Attachments:**    [Staff report](#)  
                               [Resolution](#)  
                               [\\*Large File\\* Package](#)

**A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Board finds that the Applicant's proposed Conditional use demonstrates all the requirements of the Code Section 122-62 (C) have been met by the Applicant, that the Applicant demonstrated a "Good Neighbor Policy" and that the Applicant be passed subject to any conditions set forth on the staff report, and that the Planning Resolution be Approved. The motion carried by the following vote:**

- Recuse:** 1 - Vice Chair Gilleran

**Absent:** 1 - Mr. Varela

**Yes:** 5 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, and Chairman Holland

Enactment No: 2019-04

### New Business

**9**                    **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", Subdivision IV.1, entitled "Medium Density Residential District-1 (MDR-1), Section 122-280, entitled "Dimensional Requirements"; 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](#)

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

**Absent:** 1 - Mr. Varela

**Yes:** 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: 2019-05

**10**                    **Text Amendment of the Comprehensive Plan - A** Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending the City's Comprehensive Plan, Chapter 1, entitled "Future Land Use Element", Table 1-1.1.5, pursuant to Chapter 90, Article VI, Division 3; Providing for severability; Providing for repeal of inconsistent provisions; Providing for inclusion into the City of Key West Comprehensive Plan and providing for an effective date.

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

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

**Absent:** 1 - Mr. Varela

**Yes:** 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: 2019-06

**11 Conditional Use - 5610 College Road (RE# 00072080-001300; AK# 1075990)** - A request for conditional use approval to allow for the construction of a private and public utility on property located within the Public and Semipublic Services District (PS) zoning district pursuant to Chapter 122, Article III and Section 122-1018 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
  - [Resolution](#)
  - [\\*Large File\\* PB Package](#)
  - [FAA Determination](#)
  - [Photo Simulation](#)
  - [\\*Large File\\* FCC NEPA Environmental Checklist Report](#)
  - [\\*Large File\\* 2017 Hurricane Season FEMA After-Action Report](#)
  - [Noticing Package](#)
  - [Clyde Canizares support for 5610 College Road.pdf](#)
  - [Kevin Redding support for 5610 College Road.pdf](#)
  - [Linda Russin support for 5610 College Road.pdf](#)
  - [Letters of support for cell tower](#)
  - [Letters of Support for tower part 2](#)

**Postponed**

**12 Amendment to a Conditional Use - 506 Southard Street (RE# 00012290-000000)** - A request for an amendment to a conditional use approval to expand the consumption area to the second floor on property located within the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to 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 the Applicant's proposed Conditional use demonstrates all the requirements of the Code Section 122-62 (C) have been met by the Applicant, that the Applicant demonstrated a "Good Neighbor Policy" and that the Applicant be passed subject to any conditions set forth on the staff report, and that the Planning Resolution be Approved. The motion carried by the following vote:**

**No:** 2 - Vice Chair Gilleran, and Chairman Holland

**Absent:** 1 - Mr. Varela

**Yes:** 4 - Mr. Browning, Mr. Lloyd, Mr. Pike, and Mr. Russo

Enactment No: 2019-07

13

**Variance - 3 Lopez Lane - (RE# 00005690-000100)** - A request for a variance to the maximum allowed building coverage requirement to construct a covered porch in the rear yard for 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, Florida.

**Attachments:**    [Staff Report](#)  
                              [Resolution](#)  
                              [\\*Large File\\* Package](#)  
                              [Noticing Package](#)

**A motion was made by Mr. Lloyd, seconded by Mr. Pike, that the Board finds that all the standars 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 any conditions set forth on the staff report. The motion carried by the following vote:**

**Absent:** 1 - Mr. Varela

**Yes:** 6 - Mr. Browning, Mr. Lloyd, Mr. Pike, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

Enactment No: 2019-08

**Reports**

**Public Comment**

**Adjournment - 7:07pm**

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Gillerm James K</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Key West Planning Board</i>
MAILING ADDRESS <i>801 Duann</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <i>Key West</i> <i>Morroe</i>	NAME OF POLITICAL SUBDIVISION: 
DATE ON WHICH VOTE OCCURRED <i>01-17-19</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

## 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, James Gilleam, hereby disclose that on 01-17, 2015:

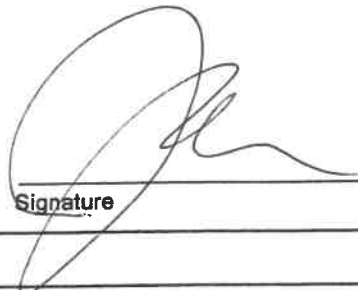
(a) A measure came or will come before my agency which (check one)

- 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:

Item #7

01-17-19  
Date Filed

  
Signature

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.