



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Tuesday, December 12, 2023

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 - 5:00 P.M.

Roll Call

Absent 1 - Ms. Henderson

Present 6 - Mr. Batty, Mr. Browning, 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

Administering the Oath by the Clerk of the Board

Approval of Minutes

1 November 16, 2023

Attachments: [Minutes](#)

A motion was made by Mr. Batty, seconded by Mr. Browning, that the Minutes be Approved. The motion passed by unanimous vote.

Action Items

2

Variance - 821-823 Whitehead Street (RE# 00017250-000000, 00017250-000100) - A request for variances for seating requirements and an amendment to the Planning Board Resolution Number 2017-18 to redistribute the existing authorized seats for an existing commercial building located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 122-32 and 90-395 of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Letter of Opposition - 819 Whitehead St Owner](#)
 [Letter of Opposition - 819 Whitehead St Occasional Guest](#)
 [Planning Package](#)
 [Noticing Package](#)

After realizing this item was requested to be postponed during agenda approval, a motion was made by Mr. Browning, seconded by Mr. Batty, that the Planning Resolution be Postponed to January 18, 2024. The motion carried by the following vote:

Absent: 1 - Ms. Henderson

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

3

Major Modification to a Major Development Plan - 2407

N. Roosevelt Boulevard (RE# 0002280-000100) -A

request for a Major Modification to a Major Development Plan and Conditional Use Approval to modify conditions of approval to allow for the inclusion of charter vessels, vessels up to forty feet in length, and changes in upland land uses on property located at 2407 North Roosevelt Boulevard in the Conservation zoning district, pursuant to Section 108-91(C) of the Code of Ordinances of the City of Key West.

- Attachments:
- [Staff Report Dec 2023](#)
 - [Noticing Package Dec 2023](#)
 - [Gulfview Pointe Association Response Letter](#)
 - [Letter of Objection to Planning REVISED Staff Report Issued](#)
 - [Staff Report Nov 2023](#)
 - [Planning Package Nov 2023](#)
 - [Noticing Package Nov 2023](#)
 - [Public Comment and Applicant Information](#)
 - [Applicant Presentation](#)

A motion was made by Vice Chair Varela, seconded by Mr. Russo, that the Planning Resolution be Approved subject to conditions outlined in the staff report with additional changes to certain previous conditions outlined in the original approval (City Commission Resolution 14-316) as follows:

Condition #14 - There will be a reduction of commercial space at the subject property down to a total of 948 square feet for an office, and the rest of the language stricken from the condition.

Condition #20 - Permit up to six charter vessels with a maximum capacity of six passengers per vessel.

Condition #24 - Permit vessels up to 40' in length

The motion carried by the following vote:

Absent: 1 - Ms. Henderson

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

Enactment No: PB Resolutions 2023-27

4

Major Modification to a Major Development Plan - 638 United Street (RE# 00036600-000000) - A request for a major modification to a major development plan approval for the development of four market rate residential units with a landscape waiver for a non-complying landscape buffer and on property located within the Historic Residential / Office (HRO) Zoning District with a proposed affordable work force housing linkage project located at 3228 Flagler Avenue pursuant to Chapter 108, Section 108-91, and Article III through IX; Chapter 122, Article IV, Division 10; and Chapter 122, Article V, Division 10 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**
- [Staff Report](#)
 - [Sec. 108 Landscape Review](#)
 - [Letter of Opposition - Shumaker](#)
 - [Trepanier Response to Shumaker](#)
 - [Letter of Opposition - Boehling](#)
 - [Trepanier Response to Boehling](#)
 - [Noticing Package](#)
 - [Planning Package](#)

A motion was made by Mr. Browning, seconded by Mr. Batty, that the Planning Resolution be Approved subject to conditions outlined in the staff report with Condition #5 being moved directly under Condition #4 and not needing to be satisfied prior to final approval at City Commission. The motion carried by the following vote:

No: 1 - Mr. Gilleran

Absent: 1 - Ms. Henderson

Yes: 5 - Mr. Batty, Mr. Browning, Mr. Russo, Vice Chair Varela, and Chairman Holland

Enactment No: PB Resolution 2023-28

5

Variance - 3223 Pearl Ave (RE: 00052890-002100) - A request for a variance for the minimum side setbacks and building coverage to include a building addition and covered front porch for an existing residential structure located in the Medium Density Residential (MDR) zoning district pursuant to Sections 90-395 and 122-270 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

A motion was made by Vice Chair Varela, 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 - Ms. Henderson

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

Enactment No: PB Resolution 2023-29

6

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 Chapter 122 of the Land Development Regulations entitled “Zoning”, Article IV. entitled “Districts”, Division 3 entitled “Residential Districts”, Subdivision III entitled “Single-Family Residential District (SF)”, Section 122-232 entitled “Accessory Units”, and Section 122-233 entitled “Special criteria applicable to accessory units” to amend the required setbacks for deed-restricted accessory units; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

- Attachments: [Staff Report](#)
 [Building Department Cover Memo - Accessory Unit Setbacks](#)
 [Building Department Draft Ordinance - Accessory Structure Setback](#)

A motion was made by Mr. Batty, seconded by Mr. Russo, that the Planning Resolution be Approved with the following changes to certain conditions listed in the proposed Ordinance under Sec. 122-233 - Special criteria applicable to accessory units:

(a)(1) Strike 'shall not exceed 25% of' and strike 'Monroe County' and replace with 'the City of Key West's Affordable Workforce Housing Guidelines as they currently exist.'

(a)(4) Strike

(a)(12) Strike 'front yard'

The motion carried by the following vote:

Absent: 1 - Ms. Henderson

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

Enactment No: PB Resolution 2023-30

6:55 P.M. - Meeting went into Recess

7:00 P.M. - Meeting Reconvened

7:11 P.M.- Mr. Batty left the Meeting

7

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 Chapter 86 of the Land Development Regulations entitled “General Provisions”, Section 86-9 entitled, “Definition of terms”; Chapter 122 entitled “Zoning”, Article II entitled “Nonconformities”; Section 122-26 entitled “Definitions”; Section 122-27 entitled “Intent”; Section 122-28 entitled “Replacement or reconstruction”; and Section 122-29 entitled “Repairs and Maintenance”, to establish a definition for the terms “replacement” and “reconstruction”; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

- Attachments:** [Staff Report](#)
 [Building Department Cover Memo - Reconstruction & Replacement](#)
 [Building Department Draft Ordinance - Reconstruction & Replacement](#)

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

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

Enactment No: PB Resolution 2023-31

8

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 Chapter 122 of the Land Development Regulations, Article III entitled "Conditional Uses", Section 122-63 "Review; enforcement" to adopt an administrative procedure for the voluntary revocation of Conditional Use permits; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Staff Report](#)
 [Dissolution of CUP Draft Ordinance](#)

A motion was made by Mr. Gilleran, seconded by Mr. Russo, that the Planning Resolution be Approved with an amendment to accept the proposed definitions in Section 122-26, 27, 28, and 29 only but striking the same proposed definitions from Section 86-9. The motion carried by the following vote:

Absent: 1 - Ms. Henderson

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

Enactment No: PB Resolution 2023-32

Adjournment - 7:43 P.M.