



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Thursday, April 21, 2022

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:** Individuals are responsible to share their presentation at the meeting on their laptop through Zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

**Call Meeting To Order - 5:16 P.M.**

#### Roll Call

**Absent** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Present** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

#### Pledge of Allegiance to the Flag

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

#### Approval of Minutes

1 March 17, 2022

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

A motion was made by Mr. Lloyd, seconded by Ms. Brew, that the Minutes be Approved. The motion passed by unanimous vote.

#### Old Business

2

A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission replacing Appendix C: City of Key West Water Supply Facilities Work Plan, as well as amending the Comprehensive Plan sections - Chapter 1: Future Land Use Element Objectives 1-1.7 and 1-1.12, and Policies 1.1.12.6, 1.1.12.7 and 1.1.12.8; Chapter 4: Public Facilities Element Objectives 4-1.2, and Policies 4-1.2.1 and 4-1.2.2; Chapter 5: Coastal Management Element Policy 5-1.2.2; Chapter 6: Conservation Element Policies 6-1.2.5, 6-1.2.8, 6-1.2.9, 6-1.2.12, 6-1.2.14 and 6-1.2.19; Chapter 8: Intergovernmental Coordination Element Policies 8-1.3.5 and 8-1.3.7; and Chapter 9: Capital Improvements Element Policies 9-1.6.1, and 9-4.1.3 as well as amendments to the section entitled, Data and Analysis, Chapter 5, Section 5.2 Potable Water.

**Attachments:**    [Staff Report](#)  
                              [Water Supply Facilities Work Plan](#)  
                              [Redlined Water Supply Facilities Work Plan](#)

**Withdrawn**

- 3                    **Amendment to a Development Agreement - 541 White Street (RE# 0006730-000200)** A request for an Amendment to a Development Agreement to construct 48 affordable workforce housing units in the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Section 90-689 and 122-611 of the City of Key West Land Development Regulations.

**Attachments:**    [Staff Report](#)  
[Proposed Amended Development Agreement](#)  
[Redlined Development Agreement](#)  
[Noticing Package - April](#)  
[February Planning Board Staff Report](#)  
[\\*Large File\\* Planning Board Package](#)  
[\\*Large File\\* Plans - Revised 1.6.22](#)  
[\\*Large File\\* Architectural Renderings](#)  
[Bender & Associates Architects Narrative](#)  
[Utilities Comments](#)  
[Keys Energy Comments](#)  
[\\*Large File\\* DRC Planning Package](#)  
[Submitted Response to Corradino 11.30.21](#)  
[Height Reference Point Determination](#)  
[Noticing Package - February](#)

**A motion was made by Mr. Lloyd, seconded by Ms. Brew, that the Planning Resolution be Approved and will be heard at City Commission on June 7, 2022. The motion carried by the following vote:**

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-18

## **New Business**

4

**Transfer of a Transient Unit License** - A request to transfer one (1) transient unit license from 921 Center Street #3 (RE# 00017720-000300) the sender site, to a property located at 314 Duval Street (RE# 00004420-000000), the receiver site. The sender site is located within the Historic High Density Residential (HHDR) zoning district and the receiver site is located within the Historic Residential Commercial Core - 1 (HRCC-1) zoning district, pursuant to Sections 122-627, 122-687, and Article V, Division 6, Transient Units of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [Staff Report](#)  
                                 [Planning Package](#)  
                                 [Noticing Package](#)  
                                 [Applicant's Presentation](#)

**A motion was made by Mr. Lloyd, seconded by Ms. Brew, that the Planning Resolution be Approved subject to the conditions as outlined in the staff report, including the modification of Condition # 2 now reading: 'The applicant at 314 Duval Street will convert unit #5 into a 1,010 sq. ft. transient unit (the only transient unit approved as part of this approval). The motion carried by the following vote:**

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-19

5

**Variance - 1103 Watson Street (RE# 00033480-000000)**

- A request for a variance to exceed the allowable maximum building coverage and request for a variance to exceed the allowable maximum impervious surface ratio for property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395 and 122-600 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 Mr. Lloyd, seconded by Ms. Brew, 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:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-20

6

**Alcohol Sales Special Exception - 422 Eaton Street**

**(RE#00006580-000000)** - A request for a special exception to add the sale of beer and wine at a proposed restaurant in the Historic Residential Commercial Core - 1 Duval Street Gulfside District (HRCC-1) zoning district pursuant to Sections 18-27, 18-28, and 18-610 of the City of Key West Code of Ordinances.

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

**A motion was made by Mr. Lloyd, seconded by Ms. Brew, that the Board finds that all the standards set forth in 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 Special Exception be Granted. The motion carried by the following vote:**

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-21

7

**Variance - 1202 Royal Street (RE# 00029450-000000) -**

A request for a variance to exceed the allowable maximum building coverage, exceed the allowable maximum impervious surface ratio, exceed the maximum rear yard coverage for accessory structures, and a request for a variance from the side and rear setback requirements, for a property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395 and 122-600 and 122-1181 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 Mr. Lloyd, seconded by Mr. Browning, that the Planning Resolution be Postponed to May 19, 2022. The motion carried by the following vote:**

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

8

**Variance - 205 Julia Street (RE# 00026860-000000) - A**

request for variances from the required front, rear and side setbacks, and a variance request for exceeding the maximum building coverage, for property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395, 122-28(b) and 122-600 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 Mr. Lloyd, seconded by Mr. Browning, 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:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-22

9

**Variance - 1311 Grinnell Street (RE# 00039410-000000)**

- Variance request for exceeding the allowed maximum building coverage for an existing non-conforming building, impervious surface ratio, minimum open space, and street side setback at a residence in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 108-346 (b) and 122-600 (4)a., Section 122-600 (4)b., Section 122-600(6)d. and Section 122-1145 (1) b. of the City of Key West Land Development Regulations.

- Attachments:**    [Staff Report](#)  
                                   [Planning Package](#)  
                                   [Noticing Package](#)  
                                   [Applicant's Presentation](#)

**A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Planning Resolution be Postponed to May 19, 2022. The motion carried by the following vote:**

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

10

**Variance - 1010-1012 Olivia Street (RE#**

**000208500-000100)** - A request for a variance to exceed the allowed front and rear yard setbacks and building coverage for a property located within the Historic High Density Residential (HHDR) zoning district pursuant to Section 90-395, Section 122-630(6)a, Section 122-630 (6)c and Section 122-630 (4)a of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

**A motion was made by Mr. Browning, seconded by Ms. Brew, that the Planning Resolution be Postponed to May 19, 2022. The motion carried by the following vote:**

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

11

**Conditional Use - 804 Caroline Street (RE# 00003200-000000):** A request for a conditional use for a walk-up Italian ice food/beverage kiosk, excluding drive-through, located in an existing accessory structure in the Historic Neighborhood Commercial (HNC-2) zoning district, pursuant to section 122-836 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)  
[Planning Package](#)  
[Noticing Package](#)  
[DRC Utilities Comments](#)  
[DRC Engineering Comments](#)

A motion was made by Mr. Lloyd, seconded by Ms. Brew, that the Applicant’s proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved. The motion carried by the following vote:

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-23

12

**Variance - 819 Georgia Street - (RE#00025350-000000)**  
 - Variance request for non-complying side yard setbacks, building coverage, minimum open space and maximum impervious surface in the Historic Medium Density Residential (HMDR) zoning district pursuant to Section 90-395, 122-600(4), 122-600(6), and 108-346 of the City of Key West Land Development Regulations.

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

A motion was made by Mr. Lloyd, seconded by Ms. Brew, 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:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-24

13

**Variance - 529 Eaton Street (RE# 00004140-000000) - A** variance request for non-complying front and side yard setbacks, maximum impervious surface, building coverage, and minimum open space requirements in the Historic Neighborhood Commercial (HNC-1) zoning district pursuant to Section 90-395, 122-810(4), 122-810(6), and 108-346 of the City of Key West Land Development Regulations.

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

**A motion was made by Mr. Lloyd, seconded by Ms. Brew, 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:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Enactment No: PB Resolution 2022-25

14

**Text Amendment of the Code of Ordinances - A** resolution of the City of Key West Planning Board recommending an ordinance to the City Commission to amend Chapter 86 of the Code of Ordinances, entitled "General provisions" by amending Section 86-9, entitled "Definition of terms" to amend the definition of 'Variance'; by amending Chapter 122 of the Code of Ordinances, entitled "Zoning" by amending Section 122-28, entitled "Replacement or reconstruction" and Section 122-32 by clarifying when a variance is needed; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

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

The board decided to take a separate votes on proposed language for the text amendment. A motion was made by Ms. Brew, seconded by Mr. Browning, to accept the following language regarding Building coverage under Section 26-9: 'Overhangs/soffits that are no wider that 24 inches shall not be considered building coverage.' The motion carried by the following vote:

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

Then, a motion was made by Mr. Browning, seconded by Mr. Lloyd, to accept the following language regarding Definition; scope of impervious surface under Section 122-1143: 'The first eighteen (18") inches beneath structures elevated above 30" from finished grade shall not be considered impervious, so long as those eighteen inches are maintained fully permeable and open to receive rainfall'. The motion carried by the following vote:

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

After further discussion, a motion was made by Ms. Brew, seconded by Mr. Lloyd, that the Board Postpone discussion on proposed language regarding Variance under Section 86-9 and Section 122-32 to May 19, 2022. This effectively Postponed the Planning Resolution in full to May 19, 2022. The motion carried by the following vote:

**Absent:** 3 - Vice Chair Gilleran, Ms. Henderson, and Mr. Varela

**Yes:** 4 - Ms. Brew, Mr. Browning, Mr. Lloyd, and Chairman Holland

**Reports**

**Public Comment**

**Board Member Comment**

**Adjournment - 7:56 P.M.**