



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, February 15, 2024

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

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 January 18, 2024 (Regular)

Attachments: [Minutes](#)

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

2 January 24, 2024 (Workshop)

Attachments: [Minutes](#)

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

Action Items

- 3 Request a resolution to the City Commission to initiate an annexation study for portions of Key Haven or Stock Island.

A motion was made by Mr. Russo, seconded by Mr. Batty, to draft a Planning Resolution to City Commission requesting the initiation of an annexation study for portions of Key Haven and Stock Island. The motion carried by the following vote:

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

Enactment No: PB Resolution 2024-08

Old Business

- 4 **Request for Postponement by Staff: 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 86 entitled "General Provisions", Section 86-9 entitled, "Definition of terms.", Chapter 122 entitled "Zoning", Article V. entitled "Supplementary District Regulations", Division 4 entitled "Accessory Uses and Structures", Section 122-1181 entitled "Permitted and restricted uses" and Section 122-1185 entitled "Swimming pools", and to create Section 122-1187 entitled "Gazebos, pergolas, and other roofed structures.", to provide for an amended definition of the terms "Building Coverage" and "Accessory Structure"; create regulations for gazebos, pergolas, and other roofed structures, and amend the required setbacks for swimming pools; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Staff Report](#)
[Building Department Memorandum](#)

Postponed to March 12, 2024

New Business

5 **Withdrawn By Staff: Variance - 1328 Duncan Street (RE# 00035410-000000)** - A request for variances to the minimum required rear setback, side setback, and pool setback requirements in order to build a pool at a property located in the Historic Medium Density Residential zoning district, pursuant to Sections 90-395, 122-600(6), and 122-1185 of the Land Development Regulations of the City of Key West, Florida.

Attachments: [Planning Package](#)

Withdrawn

6 **Request for Postponement by Applicant: Variance - 801 Eaton Street (RE# 00003340-000000)** - A request for a variance to minimum parking requirements to allow for the expansion of a food service establishment on property located within the Historic Neighborhood Commercial (HNC-2) Zoning District pursuant to Sections 90-395, 108-572, and 108-575 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Planning Package](#)
[Noticing Package](#)
[Letter of Support - Neighbor](#)
[Letter of Support - 802-806 Eaton St](#)
[Letter of Opposition - Battaglia](#)

Postponed to April 18, 2024

7

Request for Postponement by Applicant: Conditional Use Revision- 801 Eaton Street (RE# 00003340-000000)

- A request for a revision to a conditional use approval to allow for the expansion of a food service establishment and an amendment to the Planning Board Resolution Number 2015-33 to increase the number of seats and consumption area, located in the Historic Neighborhood Commercial (HNC-2) Zoning District pursuant to Sections 122-61, 122-62, 122-63 and 122-838 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Planning Package](#)
[Noticing Package](#)
[Letter of Opposition - Battaglia](#)
[Additional Utilities Comments](#)
[DRC Utilities Comments](#)
[DRC Keys Energy Comments - No objection](#)
[DRC 309 Caraballo Ln - Letter of Support](#)

Postponed to April 18, 2024

8

Request for Postponement by Applicant: Major Modification to a Minor Development Plan - 3228 Flagler Avenue (RE# 00069040-000000) - A request for a major modification to a minor development plan approval for the development of three deed-restricted affordable residential units and five market rate residential units, with landscape waivers for non-complying open space and landscape percentages, buffer yard area and landscape screening, interior area landscaping, and specifications for plant material , on property located within the Limited Commercial (CL) Zoning District, in addition to affordable housing linkage provisions associated with proposed development at 638 United 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: [Staff Report](#)
 [Planning Package](#)
 [Letter of Opposition - George Wallace](#)
 [Tree Commission Conceptual Landscape Approval Letter](#)
 [Noticing Package](#)

Postponed to March 12, 2024

9 **Text amendment of the Land Development Regulations** - A Resolution of the City of Key West Planning Board recommending to the City Commission the invoking of the Zoning In Progress Doctrine; declaring that the City is considering amendments to the Land Development Regulations to adopt inclusionary affordable and workforce housing standards for commercial properties along with additional measures to promote housing opportunities for local workers and those in need of affordable and workforce housing opportunities; Directing Building and Planning Department staff to defer the acceptance and processing of applications associated with commercial (non-residential) sites; continuing this policy until new permit requirements and/or amended Land Development Regulations and Comprehensive Plan policies are adopted by the City Commission or until after the passage of 180 days from the date of this ordinance, whichever occurs first; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

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

A motion was made by Mr. Browning, seconded by Mr. Russo, to draft a Planning Resolution that Postpones this item to March 12, 2024 and directs staff to delineate definitive parameters as to what groups (who) this proposed text amendment change will affect. The motion carried by the following vote:

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

Enactment No: PB Resolution 2024-09

10 Request for Postponement by Staff: Text amendment of the Land Development Regulations - A Resolution of the City of Key West Planning Board recommending an amendment of the Land Development Regulations, entitled Chapter 90 - Administration, Division 3 - Variances, Section 90-395, entitled Standards, Findings to amend the criteria for evaluating variance applications; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Staff Report](#)

Postponed to March 12, 2024

11 Request for Postponement by Staff: Text amendment of the Land Development Regulations - A Resolution of the City of Key West Planning Board recommending an amendment of the Land Development Regulations, entitled Chapter 86 - General Provisions, Section 86-9 - Definition of terms, Chapter 122 - Zoning, Article IV - Districts, Division 4 - Commercial Districts, Subdivision II - Limited Commercial (CL) District, Subdivision III - General Commercial (CG) District, Division 7 - Historic Residential Commercial Core (HRCC-1 to 3) Districts, Subdivision II - HRCC-1 (Duval Street Gulfside District), Subdivision IV - Historic Residential Commercial Core - 3 (Duval Street Oceanside District) to allow for the definition of “personal service establishments” and the inclusion of tattoo parlors as permitted uses within the CL, CG, HRCC-1, and HRCC-3 Districts; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Staff Report](#)

Postponed to March 12, 2024

Reports

Public Comment

Board Member Comment

Adjournment - 5:20 P.M.