



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, September 19, 2019

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.

ALL VISUAL PRESENTATIONS (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting To Order - 5:11 P.M.

Roll Call

Present 7 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Pledge of Allegiance to the Flag

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

James Gilleran arrives - 5:13 P.M.

Administering the Oath by the Clerk of the Board

Approval of Minutes

1 August 15, 2019

Attachments: [Minutes](#)

A motion was made by Mr. Ed Russo, seconded by Mr. Gregory Lloyd, that the Minutes be Approved. The motion passed by a unanimous vote.

Old Business

2 **Future Land Use Map (FLUM) Amendment - 318-324 Petronia Street (802-806 Whitehead Street), 809 Terry Lane, and 811 Terry Lane (RE # 00014010-000000, 00014050-000000, and 00014060-000000) - A request to amend the boundaries of the Comprehensive Plan Future Land Use Map (FLUM) from Historic Residential (HR) to Historic Commercial (HC) for the parcels stated above pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

- Attachments:** [Staff Report](#)
[Resolution](#)
[*Large File* Package](#)
[August Noticing Package](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Trepanier Presentation](#)

Postponed to 10/17/19 Planning Board Meeting.

- 3 **Official Zoning Map Amendment - 318-324 Petronia Street (802-806 Whitehead Street), 809 Terry Lane, and 811 Terry Lane (RE # 00014010-000000, 00014050-000000, and 00014060-000000)** - A request to amend the boundaries of the Official Zoning Map from Historic Medium Density Residential (HMDR) to Historic Neighborhood Commercial District - 3 (HNC-3) for the parcels stated above pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Resolution](#)
[*Large File* Package](#)
[August Noticing Package](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Public Comment](#)
[Trepanier Presentation](#)

Postponed to 10/17/19 Planning Board Meeting.

4 Variance - 1112 Varela Street (RE # 00032930-000000) -
 A request for a variances to minimum open space and maximum impervious surface ratio requirement in order to remove the existing wood deck and replace with stone pavers on a 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](#)
 [August Noticing Package](#)
 [E-mail from Kevin Melloncamp requesting to withdraw item.](#)

Withdrawn

5 Transient Unit & License Transfer - One (1) Unit & License assigned to 1213 Georgia Street Unit 3 (RE# 00035240-000000) to 5 Key Cove Drive #5 (RE# 00002410-000501) - A request to transfer one transient unit & license from property located within the Historic Medium Density Residential (HMDR) zoning district to property located within the Commercial General (CG) 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](#)
 [August Noticing Package](#)
 [Public Comment](#)
 [Key Cove Public Comments](#)
 [Public Comment](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Browning, that the Action Item be Postponed to 10/17/19. The motion carried by the following vote:

No: 2 - Ms. Henderson, and Mr. Lloyd

Recuse: 1 - Mr. Varela

Yes: 4 - Mr. Browning, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

6

Transient Unit & License Transfer - One (1) Unit & License in unassigned status (previously 421 Simonton Street; RE# 00006360-000000) to 10 Key Cove Drive #10 (RE# 00002410-000510) - A request to transfer one transient unit & license in unassigned status to property located within the Commercial General (CG) 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](#)
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 - [Public Comment](#)

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No: 2 - Ms. Henderson, and Mr. Lloyd

Recuse: 1 - Mr. Varela

Yes: 4 - Mr. Browning, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

7

Transient Unit & License Transfer - One (1) Unit & License in unassigned status (previously 421 Simonton Street; RE# 00006360-000000) to 9 Key Cove Drive #9 (RE# 00002410-000509) - A request to transfer one transient unit & license in unassigned status to property located within the Commercial General (CG) 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](#)
 [August Noticing Package](#)
 [Public Comment](#)
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 [Public Comment](#)

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No: 2 - Ms. Henderson, and Mr. Lloyd

Recuse: 1 - Mr. Varela

Yes: 4 - Mr. Browning, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

8 Transient Unit & License Transfer - One (1) Unit & License in unassigned status (previously 421 Simonton Street Unit 1; RE# 00006360-000000) to 8 Key Cove Drive #8 (RE# 00002410-000508) - A request to transfer one transient unit & license from unassigned status to property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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- No:** 2 - Ms. Henderson, and Mr. Lloyd
- Recuse:** 1 - Mr. Varela
- Yes:** 4 - Mr. Browning, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

9

Transient Unit & License Transfer - One (1) Unit & License assigned to 307 Elizabeth Street Unit 4 (RE# 00003690-000000) to 6 Key Cove Drive #6 (RE# 00002410-000506) - A request to transfer one transient unit & license from property located within the Historic Medium Density Residential (HMDR) zoning district to property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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[Public Comment](#)
[Key Cove Public Comments](#)
[Public Comment](#)

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No: 2 - Ms. Henderson, and Mr. Lloyd

Recuse: 1 - Mr. Varela

Yes: 4 - Mr. Browning, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

10

Transient Unit & License Transfer - One (1) Unit & License assigned to 307 Elizabeth Street Unit 3 (RE# 00003690-000000) to 4 Key Cove Drive # 4 (RE# 00002410-000504) - A request to transfer one transient unit & license from property located within the Historic Medium Density Residential (HMDR) zoning district to property located within the Commercial General (CG) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
[Resolution](#)
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[Public Comment](#)
[Key Cove Public Comments](#)
[Public Comment](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Browning, that the Action Item be Postponed to 10/17/19. The motion carried by the following vote:

No: 2 - Ms. Henderson, and Mr. Lloyd

Recuse: 1 - Mr. Varela

Yes: 4 - Mr. Browning, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

11

Transient Unit & License Transfer - One (1) Unit & License assigned to 307 Elizabeth Street Unit 2 (RE#00003690-000000) to 7 Key Cove Drive #7 (RE# 00002410-000503) - A request to transfer one transient unit & license from property located within the Historic Medium Density Residential (HMDR) zoning district to property located within the Commercial General (CG) 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](#)
[August Noticing Package](#)
[Public Comment](#)
[Key Cove Public Comments](#)
[Public Comment](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Browning, that the Action Item be Postponed to 10/17/19. The motion carried by the following vote:

No: 2 - Ms. Henderson, and Mr. Lloyd

Recuse: 1 - Mr. Varela

Yes: 4 - Mr. Browning, Mr. Russo, Vice Chair Gilleran, and Chairman Holland

New Business

12

Transient Unit/License Transfer - Two (2) Units & Licenses in unassigned status to 601 Duval Street (Units 203 and 204) (RE# 00012290-000000) - A request to transfer two transient units & licenses in unassigned status to property located within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) 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](#)
[Engineering Comments](#)
[Floodplain Comments](#)
[Keys Energy Comments](#)
[Urban Forestry Comments](#)
[Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Lloyd, that the Action Item be Passed. The motion carried by the following vote:

Yes: 7 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-62

13

After-the-Fact Variance - 1701 Laird Street (RE # 00060660-000000) - A request for variances to the minimum front-yard setback requirements and accessory structure requirements in order to maintain a zero-foot front-yard setback for an accessory structure in a required front yard on property located within the Single-Family (SF) zoning district pursuant to Sections 90-395, 122-238 (6) a. 1., and 122-1181.

- Attachments:** [Staff Report](#)
[*Large File* Package](#)
[Noticing Package](#)
[Trepanier Presentation](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Action Item be Passed. 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 be passed subject to any conditions set forth on the staff report. The motion carried by the following vote:

Yes: 7 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-63

14

Change of Nonconforming Use - 612 Fleming Street (RE # 00009160-000000) - A request for a change of non-conforming use in order to change the use from business and professional retail/office to yoga/meditation fitness studio with low-intensity commercial retail on a property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Section 122-32(e) of 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](#)
 [Development Review Committee comments](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Action Item be Passed. The motion carried by the following vote:

Yes: 7 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-64

15

Amendment to an Alcohol Sales Exception - 417 Eaton Street (RE# 00004380-000200) - A request to amend an existing Alcohol Sales Exception in order to increase the approved amount of seats from (30) thirty to (66) sixty-six on property located within the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Section 18-28(b)(2) of 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. Russo, 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 Passed subject to conditions set forth on the staff report. The motion carried by the following vote:

Yes: 7 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-65

16

Amendment to an Alcohol Sales Exception - 1103-1105-1107 Simonton Street (RE# 00027490-000000; 00027510-000000) - A request to amend a previous approval 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 grant exclusively 1105 Simonton LLC, joined with Fernandy's Cafe LLC to serve beer and wine to the public on property located within the Historic Neighborhood Commercial-Truman/Simonton (HNC-1) zoning district pursuant to Section 18-28(b)(2) of 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. Russo, 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 Passed subject to conditions set forth on the staff report. The motion carried by the following vote:

Yes: 7 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-66

17

Alcohol Sales Exception - 801-811 Simonton Street, 813 Simonton Street, 608 Petronia Street, 610-616 Petronia Street (RE# 00016270-000000; 00016390-000000; 00016280-000100; 00016320-000000) - A request for special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral property in order to serve beer, wine, and liquor to the hotel guests on property located within the Historic Neighborhood Commercial - Truman / Simonton (HNC-1) and Historic High Density Residential (HHDR) zoning districts pursuant to Section 18-28(b)(2) of the Land Development Regulations of 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 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 Passed subject to conditions set forth on the staff report. The motion carried by the following vote:

Yes: 7 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Resolution 2019-67

18

POSTPONED: 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 86 of the Land Development Regulations, entitled "General Provisions", Section 86-9, entitled "Definition of terms"; 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](#)

Postponed to 10/17/19.

19

POSTPONED: 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", Section 122-1342, entitled "Historic structures"; 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](#)
 [Ordinance 02-05](#)
 [Ordinance 05-09](#)

Postponed to 10/17/19.

Reports

Public Comments

Board Comments

Adjournment - 7:03 P.M.