



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Thursday, February 21, 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 - 6:01 P.M.**

#### Roll Call

**Absent** 1 - Mr. Pike

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

#### Pledge of Allegiance to the Flag

**Approval of Agenda was approved without change unanimously.**

#### Approval of Minutes

1 January 17, 2019

Attachments: [Minutes](#)

A motion was made that the Agenda dated January 17, 2019 be approved. The motion passed by an unanimous vote with the exception of Peter Pike, who was absent.

#### Old Business

2

**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. Russo, seconded by Vice Chair Gilleran, that the Planning Resolution be Approved and 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 be passed subject to any conditions set forth on the staff report.**

**The motion carried by the following vote:**

**Absent:** 1 - Mr. Pike

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

Enactment No: PB Res 2019-09

3

**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](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Browning, that the Planning Resolution be Approved and that the Board finds that 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 has demonstrated a “Good Neighbor Policy” and that the Application be passed subject to any conditions set forth on the staff report.

The motion carried by the following vote:

**No:** 2 - Mr. Russo, and Chairman Holland

**Absent:** 1 - Mr. Pike

**Yes:** 4 - Mr. Browning, Mr. Lloyd, Mr. Varela, and Vice Chair Gilleran

Enactment No: PB Res 2019-10

**New Business**

**4**                                **Postponed by Applicant - Variance - 2407-2409 North Roosevelt Boulevard (RE# 00002280-000100 & RE# 00002280-000101) - A** request for a variance to off-street parking spaces for properties located within the Commercial General (CG) and Conservation (C) Zoning Districts pursuant to Sections 90-395 and 108-572 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**    [Staff Report](#)  
                                  [Package](#)  
                                  [Traffic Study](#)  
                                  [Noticing Package](#)  
                                  [Letter of Support](#)  
                                  [Letter of Opposition](#)  
                                  [Letter of Opposition](#)

**Postponed by Applicant.**

**5**                                **Postponed by Applicant - Major Development Plan, Conditional Use, and Landscape Modification / Waiver - 2407-2409 North Roosevelt Boulevard (RE# 00002280-000100 and RE# 00002280-000101) - A** Major Development Plan, Conditional Use, and Landscape Modification / Waiver application to develop a 74-berth deed-restricted affordable workforce housing liveaboard marina, a 2-story marina clubhouse with restaurant and onsite consumption, and a 465-square-foot laundry center on properties located within the Commercial General (CG) and Conservation (C) zoning districts pursuant to Section 108-91 B. 2. (a) and (b), Section 122-129, Section 122-418, and Section 108-517 the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**    [Staff Report](#)  
                                  [Package](#)  
                                  [Utilities Comments](#)  
                                  [Floodplain Comments](#)  
                                  [Noticing Package](#)  
                                  [Letter of Support](#)  
                                  [Letter of Opposition](#)  
                                  [Letter of Opposition](#)

**Postponed by Applicant**

6

**Transient Unit & License Transfer - Unit & License in Unassigned Status to 508 Virginia Street (RE# 00027740-000000)**

- A request to transfer one transient unit & license in unassigned status to property located within the Historic Residential Commercial Core-3 Duval Street Oceanside (HRCC-3) zoning district pursuant to Chapter 122, Article V, Division 6 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**    [Staff Report](#)  
                              [Resolution](#)  
                              [Package](#)  
                              [Floodplain Comments](#)  
                              [Keys Energy Comments](#)  
                              [Noticing Package](#)

**A motion was made by Mr. Browning, seconded by Mr. Russo, that the Planning Resolution be Approved.**

**The motion carried by the following vote:**

**No:** 1 - Mr. Lloyd

**Absent:** 1 - Mr. Pike

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

Enactment No: PB Res 2019-11

7

**Variance - 930 Eaton Street (RE # 00005470-000100)** - A request for a variance to the required 17 off-street parking spaces for property located within the Historic Neighborhood Commercial (HNC-2) Zoning District pursuant to Sections 90-395 and 108-572 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

**A motion was made by Mr. Varela, seconded by Mr. Russo, that the Planning Resolution be Approved and 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 be passed subject to any conditions set forth on the staff report. The motion carried by the following vote:**

**The motion carried by the following vote:**

**Absent:** 1 - Mr. Pike

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

Enactment No: PB Res 2019-12

- 8**                    **Conditional Use - 930 Eaton Street (RE # 00005470-000100) - A**  
request for conditional use approval to allow for restaurant use with indoor and outdoor consumption area in an existing bakery and retail building on a parcel located within the Historic Neighborhood Commercial District (HNC-2) zoning district pursuant to Sections 122-62 and 122-838 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**    [Staff Report](#)  
[Floodplain Comments](#)  
[\\*Large File\\* Package](#)  
[Keys Energy Comments](#)  
[Noticing Package](#)  
[Public Comment](#)

**A motion was made by Mr. Russo, seconded by Mr. Varela, that the Planning Resolution be Approved and that the Board finds that 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 has demonstrated a "Good Neighbor Policy" and that the Application be passed subject to any conditions set forth on the staff report.**

**The motion carried by the following vote:**

**Absent:** 1 - Mr. Pike

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

Enactment No: PB Res 2019-13

**9**                    **Minor Development Plan - 2222 North Roosevelt Boulevard (RE # 00051100-000000)** - A request for minor development plan and landscape modification/waiver approval to allow for the reconstruction of a commercial structure on a parcel located within the General Commercial (CG) zoning district pursuant to Chapter 108, Article II, Division 3, Section 108-91 B. 1. (b) and Chapter 108, Article V, Section 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**    [Staff Report](#)  
                                  [Resolution](#)  
                                  [Package](#)  
                                  [Floodplain Comments](#)  
                                  [Keys Energy Comments](#)  
                                  [Noticing Package](#)

**A motion was made by Mr. Lloyd, seconded by Vice Chair Gilleran, that the Planning Resolution be Approved.**

**The motion carried by the following vote:**

- Recuse:** 1 - Mr. Browning
- Absent:** 1 - Mr. Pike
- Yes:** 5 - Mr. Lloyd, Mr. Russo, Mr. Varela, Vice Chair Gilleran, and Chairman Holland

Enactment No: PB Res 2019-14

**10**                    **Postponed by Staff - 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” and Chapter 108, entitled “Planning and Development”, Section 108-997, entitled “Period of allocation and ranking/review of applications”; 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 by Staff at the Planning Meeting dated 2/21/2019.**



**11**                    **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”, Division 10, entitled “Work Force Housing”; 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:**

**No:** 2 - Mr. Browning, and Vice Chair Gilleran

**Absent:** 1 - Mr. Pike

**Yes:** 4 - Mr. Lloyd, Mr. Russo, Mr. Varela, and Chairman Holland

Enactment No: PB Res 2019-15

**12**                    **After-the-Fact Variance - 1209 Laird Street - (RE#**  
**00059250-000000) - A request for a variance to the maximum allowed**  
building coverage requirement to maintain a raised concrete pool in the rear yard on property located within the Single Family (SF) 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](#)  
                                 [Noticing Package](#)

**A motion was made by Vice Chair Gilleran, seconded by Mr. Varela, that the Planning Resolution be Approved and 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 be passed subject to any conditions set forth on the staff report.**

**The motion carried by the following vote:**

**Absent:** 1 - Mr. Pike

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

Enactment No: PB Res 2019-16

13

**Variance - 3841 North Roosevelt Boulevard - (RE#**  
 00064881-000200, 00064881-000600, 00064881-000900,  
 00064881-001000, 00064881-001100, 00064881-001200,  
 00064881-001400, 00064881-001500, 00064881-001800,  
 00064881-002100, 00064881-002200, 00064881-002300,  
 00064881-002700, 00064881-002800, 00064881-002900,  
 00064881-003000, 00064881-003100, 00064881-003300,  
 00064881-003400, 00064881-003500, 00064881-003700,  
 00064881-003900, 00064881-0042000, 00064881-004300,  
 00064881-004400, 00064881-004500, 00064881-004700,  
 00064881-004800, 00064881-005100, 00064881-005200,  
 00064881-005300, 00064881-005600, 00064881-006000,  
 00064881-006400, 00064881-006600, 00064881-006700,  
 00064881-006800, 00064881-007000, 00064881-007200,  
 00064881-007500, 00064881-007600, 00064881-007900,  
 00064881-008000, 00064881-008300, 00064881-008400,  
 00064881-008500, 00064881-008600, 00064881-008700,  
 00064881-008800, 00064881-008900, 00064881-009000,  
 00064881-009100, 00064881-009200, 00064881-009300,  
 00064881-009400, 00064881-009500, 00064881-009700,  
 00064881-010000, 00064881-010100, 00064881-010300,  
 00064881-010400, 00064881-010500, 00064881-010600,  
 00064881-010700, 00064881-010800, 00064881-011000,  
 00064881-011100, 00064881-011200, 00064881-011400,  
 00064881-011500, 00064881-011600, 00064881-011700,  
 00064881-011800, 00064881-011900, 00064881-012000,  
 00064881-012100, 00064881-012200, 00064881-012300,  
 00064881-012400, 00064881-012500, 00064881-012700,  
 00064881-012800, 00064881-013000, 00064881-013100)

- A request for a variance to the maximum allowed impervious surface requirement to install brick pavers near the pool area and back of shoreline on 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](#)  
                           [Planning Board Package.pdf](#)  
                           [Noticing Package](#)

A motion was made by Mr. Lloyd, seconded by Mr. Russo, that the Planning Resolution be Approved and 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 be passed subject to any conditions set forth on the staff report. The motion carried by the

**following vote:**

**Absent:** 1 - Mr. Pike

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

Enactment No: PB Res 2019-17

**Reports**

**Public Comment**

**Adjournment**

**Adjourned at 7:49 P.M.**

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

LAST NAME—FIRST NAME—MIDDLE NAME Browning, Michael	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning Board
MAILING ADDRESS 402 Applecouth Lane	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 Key West, FL 33040	NAME OF POLITICAL SUBDIVISION: City of Key West
DATE ON WHICH VOTE OCCURRED February 21, 2019	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## 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, Michael Browning, hereby disclose that on February 21, 2019:

(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:

Minor Development Plan - 2222 North Roosevelt Boulevard (RE # 00051100-000000)

2-21-19  
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.**