

Action Minutes - Final

Planning Board

Thursday, December 19, 2024 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: 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

Mr. Russo attended via online media conferencing

Present 7 - Mr. Browning, Mr. Garcia, Mr. Russo, Vice Chair Varela, Mr. Warren, Mr. Wiggins, and Mr. Batty

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 20, 2024 (Special Meeting)

Attachments: Minutes

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

2	November 21, 2024 (Regular Meeting)		
	Attachments: Minutes		
	A motion was made by Mr. Batty, seconded by Mr. Garcia, that the Minutes be Approved. The motion passed by unanimous vote.		
Action Items			
3	Elect Planning Board Chairman & Vice Chairman		
	A motion was made by Mr. Browning, seconded by Vice Chair Varela, to nominate Mr. Batty as Chairman and Mr. Varela as Vice-Chair. The motion carried by the following vote:		
	Yes: 7 - Mr. Batty, Mr. Browning, Mr. Garcia, Mr. Russo, Mr. Warren, Mr. Wiggins, and Vice Chair Varela		
4	Approve Remaining 2025 Proposed Meeting Dates		
	Attachments: Proposed 2025 Meeting Dates		
	After Chairman Batty took the gavel, a motion was made by Mr. Browning, seconded by Vice Chair Varela, that the Action Items be Approved. The motion passed by unanimous vote.		

New Business

Variance - 1904-1906 Flagler Avenue (RE# 00063480-000000) and 1908 Flagler Avenue (RE#

00063450-000000) - A request for a variances to front, rear, and side setbacks, minimum required parking, open space, minimum landscaped area, to allow for redevelopment of an existing school on property located within the Limited Commercial (CL) Zoning District pursuant to Sections 90-395, 108-346 and 122-390 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

<u>Attachments:</u> Staff Report Revised Plans 11.4.24 <u>Traffic Review Letter</u> <u>Resolution</u> <u>Planning Package</u> <u>Noticing Package</u>

A motion was made by Vice Chair Varela, 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:

- No: 1 Mr. Warren
- Yes: 6 Mr. Browning, Mr. Garcia, Mr. Russo, Vice Chair Varela, Mr. Wiggins, and Chairman Batty

Enactment No: PB Resolution 2024-42

Major Development Plan - 1904-1906 Flagler Avenue (RE# 00063480-00000) and 1908 Flagler Avenue (RE# 00063450-00000) - A request for a major development plan approval for redevelopment of an existing school on property located within the Limited Commercial (CL) Zoning District pursuant to Chapter 108, Section 108-91, and Article III through IX; and Chapter 122, Article IV, Division 4, Subdivision II of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Code of Ordinances of the City of Key West, Florida.

 Attachments:
 Staff Report

 Revised Landscape Plans

 Tree Commission Minutes

 Applicant's Tree Report and Assessment

 Traffic Report

 Resolution

 Planning Package

 Utilities Comments

 Urban Forestry Comments

 Keys Energy Comments

 Noticing Package

 Amotion was made by Mr. Browning, seconded by Mr. Warren, that the Major
- A motion was made by Mr. Browning, seconded by Mr. Warren, that the Major Development Plan be Approved subject to the conditions as outlined in Staff Report. The motion carried by the following vote:
- Yes: 7 Mr. Browning, Mr. Garcia, Mr. Russo, Vice Chair Varela, Mr. Warren, Mr. Wiggins, and Chairman Batty

Enactment No: PB Resolution 2024-43

Old Business

1415 Rose Street (RE# 00058910-000000) - Applicant seeks a variance to allow for an increase in the maximum permitted building coverage from 35% to 49% to permit an addition to a single-family residence located in the Single Family Zoning District (SF) pursuant to Sections 122-238 and 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

 Attachments:
 Staff Report

 11.21.24 Noticing Package

 9.19.24 Noticing Package

 Planning Package

 Comments- Opposed

 Comments - Opposed

 Comments - Support Letters

 Comments - Request to Remove Objection Letter

A motion was made by Vice Chair Varela, 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:

- No: 2 Mr. Garcia, and Mr. Warren
- Yes: 5 Mr. Browning, Mr. Russo, Vice Chair Varela, Mr. Wiggins, and Chairman Batty

Enactment No: PB Resolution 2024-44

Variance - 2509 Fogarty Ave (RE# 00050550-000000) -

A request for a variance to increase the maximum permitted building coverage from 35% to 41.6% and the maximum permitted rear yard coverage for an accessory structure from 30% to 60.6% in order to build an approximately 600 square-foot, 27-foot high detached habitable structure with a wet bar, bathroom, bedroom and storage at property located in the Single-Family Zoning District, pursuant to Sections 90-395, 122-238, 122-1181 of the Land Development Regulations of the City of Key West, Florida.

 Attachments:
 Staff Report

 11.21.24 Noticing Package

 10.17.24 Noticing Package

 Planning Package

A motion was made by Vice Chair Varela, seconded by Mr. Garcia, 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:

Yes: 7 - Mr. Browning, Mr. Garcia, Mr. Russo, Vice Chair Varela, Mr. Warren, Mr. Wiggins, and Chairman Batty

Enactment No: PB Resolution 2024-45

Mr. Russo left the Meeting

Variance - 1817 Staples Avenue (RE#

00047070-000100) - A request for variances to allow decreases in the minimum front setback from 19.8 feet to 10 feet and minimum rear setback from 19.8 feet to 10 feet and decrease in the minimum parking requirement from 14 spaces to 12 spaces to permit the construction of a two-story mixed-use structure with office space and three market rate residential units located within the Limited Commercial (CL) Zoning District pursuant to Sections 90-395, 108-572, and 122-390 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: Revised Staff Report

Resolution Staff Report - November Meeting Planning Package 11.20.24 Noticing Package 10.17.24 Noticing Package

A motion was made by Mr. Browning, seconded by Mr. Garcia, 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:

No:	1 -	Mr. Warren
Recuse:	1 -	Vice Chair Varela
Absent:	1 -	Mr. Russo
Yes:	4 -	Mr. Browning, Mr. Garcia, Mr. Wiggins, and Chairman Batty
Enact	ment	No: PB Resolution 2024-46

Minor Development Plan, Conditional Use - 1817

Staples Avenue (RE: 00047070-000100) - A request for a minor development plan for the construction of a two-story mixed-use structure with office space and a request for a Conditional Use Permit for three market rate residential units located within the Limited Commercial (CL) Zoning District with a proposed affordable work force housing linkage project at 124 Simonton 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:
 Revised Staff Report

 Resolution
 Staff Report - November

 11.20.24 Noticing Package
 9.19.24 Noticing Package

 0.19.24 Noticing Package
 Conceptual Landscape Plan Approval Letter

 Planning Package
 All Staff Comments 3.27.24

A motion was made by Mr. Browning, seconded by Mr. Garcia, that the Minor Dev. Plan/Conditional Use be Approved subject to the conditions (1-6) as outlined in the Revised Staff Report. The motion carried by the following vote:

Recuse: 1 - Vice Chair Varela
Absent: 1 - Mr. Russo
Yes: 5 - Mr. Browning, Mr. Garcia, Mr. Warren, Mr. Wiggins, and Chairman Batty Enactment No: PB Resolution 2024-47

Meeting went into Recess - 6:30 P.M.

Meeting Reconvened - 6:37 P.M.

11 Text Amendment of the Comprehensive Plan Α -Resolution of the City Key West Planning of Board an Ordinance to the City Commission recommending to amend the City of Key West Comprehensive Plan Chapter 3 -Housing Element to amend the requirements for affordable and work force housing; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: Staff Report

<u>Draft Ordinance</u> <u>Resolution</u> <u>Public Comment - Oropeza</u> <u>Public Comment - Smith Hawks</u> <u>Public Comment - Last Stand</u>

Postponed Indefinitely

Land Development Regulations Amendment - Barton

W. Smith, Attorney, on behalf of Stockrock SI LLC, Island-West Investment Corp., Poinciana - Venture II LLC, and Meisel Holdings FL - 1321 Simonton Street, seeks to amend the Land Development Regulations Chapter 122 (Zoning) Article V, Division 10 (Work Force Housing) pursuant to Section 90-518 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: Staff Report Addendum 12.19.2024

Applicant Draft Ordinance 12.13.2024

Applicant's Submittal: Text Amendment Working Draft with Comments 12.12.24 Applicant's Submittal: Text Amendment (With no strikethrough/underline) Staff Report 11.21.2024

Planning Package

Applicant Presentation

Applicant's Proposed Changes - Text Amendment Working Draft 11.18.24 Public Comment - Last Stand Public Comment - Lloyd Public Comment - Matter Public Comment - Cocco Public Comment - Bocchicchio

Public Comment - Pederson

A motion was made by Mr. Browning, seconded by Mr. Garcia, that the item be Postponed to a Special Meeting to be held January 13, 2025 at 2PM. The motion carried by the following vote:

- Absent: 1 Mr. Russo
 - Yes: 6 Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Warren, Mr. Wiggins, and Chairman Batty

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 Land Development Regulations Chapter 90 entitled "Administration", Article VI entitled "Amendments" to allow for the establishment of Zoning In Progress Doctrine by resolution of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: Staff Report

Draft Ordinance

Last Stand Comments

A motion was made by Mr. Wiggins, seconded by Mr. Garcia, that the item be Postponed to a Special Meeting to be held January 13, 2025 at 2PM. The motion carried by the following vote:

- Absent: 1 Mr. Russo
 - Yes: 6 Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Warren, Mr. Wiggins, and Chairman Batty

New Business - Cont'd

Conditional Use - 804 Caroline Street (RE#

00003200-00000) Applicant seeks a modification to a Conditional Use Permit to allow expanded retail services for a walk-up lemonade and flower stand, within an existing accessory structure located in the Historic Neighborhood Commercial (HNC-2) zoning district, pursuant to Section 122-62, Section 122-836 through Section 122-838 and Section 108-573 of the Land Development Regulations of City of Key West, Florida.

<u>Attachments:</u>

Staff Report Planning Package Noticing Package Keys Energy- Comments

A motion was made by Mr. Garcia, seconded by Mr. Browning, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report. The motion carried by the following vote:

- Absent: 1 Mr. Russo
 - Yes: 6 Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Warren, Mr. Wiggins, and Chairman Batty

Enactment No: PB Resolution 2024-48

Conditional Use - 1 Duval Street

Staff Report

(**RE#00000070-000000**) Applicant seeks a Conditional Use Permit for a recreation power-driven equipment rentals, (golf carts, mopeds, and bicycles) at an existing hotel located in the Historic Residential Commercial Core (HRCC-1) zoning district, pursuant to Sections 122-688 and 122-62 of the Land Development Regulations of the City of Key West, Florida.

<u>Attachments:</u>

Planning Package Noticing Package Keys Energy-Comments Urban Forestry- Comments Applicant Proposed Conditions 12.17 Revised Plans Submitted 12.17

A motion was made by Vice Chair Varela, seconded by Mr. Wiggins, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report with an additional agreement to amend the count of golf carts from 10 to 9 electric and from 9 to 8 gas powered. The motion carried by the following vote:

- Absent: 1 Mr. Russo
 - Yes: 6 Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Warren, Mr. Wiggins, and Chairman Batty

Enactment No: PB Resolution 2024-49

Public Comment

Board Member Comment

Reports

Adjournment - 8:38 P.M.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS				
LAST NAME-FIRST NAME-MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE			
MAILING ADDRESS 1024 17th 57.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:			
CITY Key West Monroe	NAME OF POLITICAL SUBDIVISION: Key West			
DATE ON WHICH VOTE OCCURRED 12 - 19 - 2024				

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 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 Freddy Varcla, hereby disclose that on December 19 2024: (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, , by inured to the special gain or loss of_ whom I am retained; or Conch Tour Train Inc. , which inured to the special gain or loss of 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: I am the CFO of Guch Tour Train. 12/19/2024 Signatur Date Filed

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.