



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final Planning Board

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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 unanimous 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**

**5 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.**

- Attachments:**    [Staff Report](#)  
[Revised Plans 11.4.24](#)  
[Traffic Review Letter](#)  
[Resolution](#)  
[Planning Package](#)  
[Noticing Package](#)

**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

6

**Major Development Plan - 1904-1906 Flagler Avenue (RE# 00063480-000000) and 1908 Flagler Avenue (RE# 00063450-000000)** - 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.

- 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](#)

**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**

7

**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

8

**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*

9

**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
- Enactment No: PB Resolution 2024-46

10

**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](#)  
[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** - A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission 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](#)  
[Draft Ordinance](#)  
[Resolution](#)  
[Public Comment - Oropeza](#)  
[Public Comment - Smith Hawks](#)  
[Public Comment - Last Stand](#)

**Postponed Indefinitely**

12

**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

13

**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**

14

**Conditional Use - 804 Caroline Street (RE# 00003200-000000)** 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.

- Attachments:**     [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

15

**Conditional Use - 1 Duval Street**

**(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.

- Attachments:
- [Staff Report](#)
  - [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.**



**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, Freddy Varela, 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, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of Conch Tour Train, Inc., 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:

I am the CFO of Conch Tour Train.

12/19/2024  
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.