



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, November 16, 2023

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 - 5:03 P.M.

Roll Call

Present 7 - Mr. Batty, Mr. Browning, Mr. Gilleran, Ms. Henderson, 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 October 19, 2023

Attachments: [Minutes](#)

A motion was made by Mr. Gilleran, seconded by Mr. Batty, to approve the Minutes. The motion passed unanimously.

Old Business

2 **Variance - 1905 Staples Avenue (RE# 00046930-000000) - A request for variance approval for non-complying front, side and rear setbacks, and building coverage, to allow a single-family residence, located in the**

Limited Commercial (CL) zoning district, pursuant to Sections 90-395, 122-390 and 108-346 of the City of Key West Land Development Regulations.

Attachments: [Staff Report 11.16.23](#)
[Trepanier's Proposed Approval Conditions & Responses to Planning Board Members Main Concerns 11.13.23](#)
[Letters of Support 11.14.23](#)
[Staff Report 10.13.23](#)
[Letters of Support Oct 2023](#)
[Good Neighbor Summary - Owen Trepanier Oct 2023](#)
[Good Neighbor Summary - Applicant Oct 2023](#)
[Trepanier to 1907 Staples Ave 10.11.23](#)
[Staff Report 09.21.23](#)
[Planning Package 09.21.23](#)
[Public Comment](#)
[Public Comment](#)
[Noticing Package 09.21.23](#)
[Fire Sprinkle Confirmation Email - Trepanier](#)
[Trepanier Presentation - 09.21.23](#)
[Staff Report 05.18.23](#)
[Noticing Package 05.18.23](#)
[Trepanier's Planning Board Presentation](#)
[1905 Staples Ave - Lot Timeline](#)
[Request for postponement](#)
[Staff Report 04.20.23](#)
[Planning Package 04.20.23](#)
[Noticing Package 04.20.23](#)
[STAFF REPORT 02.16.23](#)
[Planning Package 02.16.23](#)
[Staff Report](#)
[Request for postponement](#)
[Planning Package](#)
[Noticing Package](#)

A motion was made by Mr. Russo, seconded by Ms. Henderson, to postpone this item to the December 12 Planning Board Meeting. The motion failed 2-5, with Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Varela, and Chairman Holland voting against.

A motion was made by Mr. 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 with the conditions outlined in the Staff report, and the addition of the condition that the applicant must obtain either a subdivision approval or subdivision waiver prior to building. The motion carried by the following vote:

No: 3 - Mr. Gilleran, Ms. Henderson, and Chairman Holland

Yes: 4 - Mr. Batty, Mr. Browning, Mr. Russo, and Vice Chair Varela

Enactment No: PB Resolution 2023-23

3

Conditional Use - 1905 Staples Avenue (RE# 00046930-000000) - A request for conditional use approval to allow a single-family residence, located in the Limited Commercial (CL) zoning district, pursuant to Sections 122-61, 122-62 and 122-388(1) of the City of Key West Land Development Regulations.

Attachments: [Staff Report 11.16.23](#)
[Trepanier's Proposed Approval Conditions & Responses to Planning Board Members Main Concerns 11.13.23](#)
[Letters of Support 11.14.23](#)
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[Staff Report 04.20.23](#)
[Planning Package 04.20.23](#)
[Noticing Package 04.20.23](#)
[1904 Staples-applicant response](#)
[1907 Staples-applicant response](#)
[STAFF REPORT 2.16.23](#)
[Planning Package 02.16.23](#)
[Staff Report 01.19.23](#)
[Request for postponement](#)
[Additional utilities comments](#)
[Planning Package](#)
[Noticing Package](#)
[Utilities Comments](#)

A motion was made by Vice Chair Gilleran, seconded by Mr. Russo, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-63(c) and that the Application be approved, with the addition of the conditions that the applicant obtains either subdivision approval or a subdivision waiver prior to building, and that the applicant voluntarily adds a deed restriction that occupancy by a tenant shall be restricted to households or persons who derive at least seventy percent (70%) of their or his or her total income from gainful employment in Monroe County,

Florida. This tenant occupancy restriction shall not disqualify an individual previously qualified who reaches the age of retirement or who becomes disabled. The motion carried by the following vote:

No: 1 - Mr. Gilleran

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

Enactment No: PB Resolution 2023-24

4

Text Amendment of the Comprehensive Plan - A resolution of the City of Key West Planning Board recommending an ordinance to the City Commission amending Comprehensive Plan Chapter 1, Future Land Use, Policy 1-1.16.1, entitled, "Maintain A Building Permit Allocation Ordinance", and by amending Chapter 3, Housing, Policy 3-1.1.4, entitled "Building Allocation System", to provide for building permit allocation system units for the property located at 301 White Street (RE# 00001780-000000); providing for the repeal of inconsistent provisions; providing for transmittal to the State Land Planning Agency; providing for the filing with the Secretary of State; providing for severability; providing for the inclusion in the City of Key West Comprehensive Plan; providing for an effective date.

Attachments: [Staff Report](#)
 [Noticing Package](#)

A motion was made by Mr. Gilleran, seconded by Mr. Batty, that the Text Amendment be approved. The motion carried by the following vote:

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

Enactment No: PB Resolution 2023-25

5

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 Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X

entitled "Building Permit Allocation System", Division 2 entitled "Building Permit Allocation System", Section 108-995 - Reporting requirements and residential allocation schedule; to provide for building permit allocation system units for the property at 301 White Street (RE# 00001780-000000); providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Staff Report](#)
[Noticing Package](#)

A motion was made by Mr. Batty, seconded by Mr. Russo, that the Text Amendment be approved. The motion carried by the following vote:

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

Enactment No: PB Resolution 2023-26

6

Official Future Land Use Map Amendment and Text Amendment of the Comprehensive Plan - 715 Seminole Avenue (RE # 00037230-000100) and 811 Seminole Avenue (RE # 00037160-000100) - Consideration of an ordinance of the City of Key West, Florida, proposing an amendment to the boundaries of the Official Future Land Use Map from Historic Residential to Historic Commercial to allow rezoning to permit transient lodging and additional land uses for properties located at 715 Seminole Avenue and 811 Seminole Avenue; amending Comprehensive Plan Chapter 1, Future Land Use Element, Objective 1-1.1: - Future Land Use Map, to provide transient rental licenses to incentive the development of affordable workforce housing 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; providing for severability; providing for the inclusion in the City of Key West Comprehensive Plan; and providing for an effective date.

- Attachments:** [Staff Report](#)
 [Planning Package 11.16.23](#)
 [Noticing Package 11.16.23](#)
 [Planning Package](#)
 [Noticing Package](#)

Mr. Browning recused himself from Items 6 and 7 and left the dais.

A motion was made by Mr. Batty, seconded by Mr. Russo, to Postpone this item until the January 18, 2024 Planning Board Meeting. The motion carried by the following vote:

Recuse: 1 - Mr. Browning

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

7

Official Zoning Map Amendment - 715 Seminole Avenue (RE # 00037230-000100) and 811 Seminole Avenue (RE # 00037160-000100) - Consideration of an ordinance of the City of Key West, Florida, proposing amendments to the boundaries of the Official Zoning Map for properties located at 715 Seminole Avenue and 811 Seminole Avenue; amending the boundaries of the Official Zoning Map category from Historic Medium Density Residential (HMDR) to Historic Commercial Tourist (HCT) 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; providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; providing for severability; providing for an effective date.

- Attachments:** [Staff Report](#)
 [Planning Package 11.16.23](#)
 [Noticing Package 11.16.23](#)
 [Planning Package](#)
 [Noticing Package](#)

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Recuse: 1 - Mr. Browning

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

New Business

8 **Major Modification to a Major Development Plan - 2407 N. Roosevelt Boulevard (RE# 00002280-000100) -A**
request for a Major Modification to a Major Development Plan and Conditional Use Approval to modify conditions of approval to allow for the inclusion of charter vessels, vessels up to forty feet in length, and changes in upland land uses at a marina on property located at 2407 North Roosevelt Boulevard in the Conservation zoning district, pursuant to Section 108-91(C) of the Code of Ordinances of the City of Key West.

Attachments: [Staff Report](#)
 [Gulfview Pointe Association Response Letter](#)
 [Letter of Objection to Planning REVISED Staff Report Issued](#)
 [Planning Package](#)
 [Noticing Package](#)

Postponed to December 12, 2023

9 **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 Chapter 122 of the Land Development Regulations entitled “Zoning”, Article IV. entitled “Districts”, Division 3 entitled “Residential Districts”, Subdivision III entitled “Single-Family Residential District (SF)”, Section 122-232 entitled “Accessory Units”, and Section 122-233 entitled “Special criteria applicable to accessory units” to amend the required setbacks for deed-restricted accessory units; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Postponed to December 12, 2023

10 **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 Chapter 86 of the Land Development Regulations entitled “General Provisions”, Section 86-9 entitled, “Definition of terms”; Chapter 122 entitled “Zoning”, Article II entitled “Nonconformities”; Section 122-26 entitled “Definitions”; Section 122-27 entitled “Intent”; Section 122-28 entitled “Replacement or reconstruction”; and Section 122-29 entitled “Repairs and Maintenance”, to establish a definition for the terms “replacement” and “reconstruction”; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Postponed to December 12, 2023

Reports

11

Minor Modification to a Major Development Plan - 918 Fort Street (RE# 00001630-000801) - A request for a Minor Modification to a Major Development Plan to allow for the relocation of bicycle racks at a property located at 918 Fort Street in the Historic Neighborhood Commercial - 4 zoning district pursuant to Section 108-91(C)(2) of the City of Key West Code of Ordinances.

Attachments: [Minor Modification Report](#)

Mr. Browning rejoined the meeting on the dais.

Public Comment

Board Member Comment

Adjournment - 7:42 P.M.