



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, January 18, 2024

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 - 5:00 P.M.

Roll Call

Absent 1 - Vice Chair Varela

Present 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Russo, 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

Old Business

1

Withdrawn by Applicant - Variance - 821-823 Whitehead Street (RE# 00017250-000000, 00017250-000100) - A request for variances for seating requirements and an amendment to the Planning Board Resolution Number 2017-18 to redistribute the existing authorized seats for an existing commercial building located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 122-32 and 90-395 of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Letter of Opposition - 819 Whitehead St Owner](#)
 [Letter of Opposition - 819 Whitehead St Occasional Guest](#)
 [Planning Package](#)
 [Noticing Package](#)

Withdrawn

2

Official Future Land Use Map Amendment of the Comprehensive Plan - 715 Seminole Avenue (RE # 00037230-000100; AK# 8735669) and 811 Seminole Avenue (RE # 00037160-000100; AK# 8735677)

-Consideration of an ordinance of the City of Key West, Florida, proposing an amendment to the boundaries of the Official Future Land Use Map of the City of Key West Comprehensive Plan for properties located at 715 Seminole Avenue and 811 Seminole Avenue; amending the Future Land Use Map Legend from Historic Residential to Historic Commercial 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 repeal of inconsistent provisions; providing for transmittal to the State Land Planning Agency; providing for the filing with the Secretary of State and for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

- Attachments:** [Staff Report 1.18.24](#)
 [Public Comment - Ed Cunningham](#)
 [Planning Package 1.18.24](#)
 [Noticing Package 1.18.24](#)
 [Staff Report 11.16.23](#)
 [Planning Package 11.16.23](#)
 [Noticing Package 11.16.23](#)
 [Planning Package](#)
 [Noticing Package](#)
 [2024 01 Planning Board Objection Letter 01-18-2024](#)

A motion was made by Mr. Gilleran, seconded by Mr. Batty, that the FLUM Amendment be Postponed to March 12, 2024. The motion carried by the following vote:

Absent: 1 - Vice Chair Varela

Yes: 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Russo, and Chairman Holland

3

Official Zoning Map Amendment of the Land Development Regulations - 715 Seminole Avenue (RE # 00037230-000100; AK# 8735669) and 811 Seminole Avenue (RE # 00037160-000100; AK# 8735677) -

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 1.18.24](#)
 - [Public Comment - Ed Cunningham](#)
 - [Planning Package 1.18.24](#)
 - [Noticing Package 1.18.24](#)
 - [Staff Report 11.16.23](#)
 - [Planning Package 11.16.23](#)
 - [Noticing Package 11.16.23](#)
 - [Planning Package](#)
 - [Noticing Package](#)
 - [2024 01 Planning Board Objection Letter 01-18-2024](#)

A motion was made by Mr. Gilleran, seconded by Mr. Batty, that the Zoning Amendment be Postponed to March 12, 2024. The motion carried by the following vote:

Absent: 1 - Vice Chair Varela

Yes: 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Russo, and Chairman Holland

New Business

4 **Transfer of a Transient Unit License - 921 Windsor Lane (RE: 00020110-000103)-** A request to transfer one (1) transient unit and license from a sender site located at 1004 Eaton St (RE: 00005290-000000) in the Historic Medium Density Residential (HMDR) Zoning District, to a receiver site located at 921 Windsor Lane (RE: 00020110-000103) in the Historic Neighborhood Commercial-1 (HNC-1) Zoning District, pursuant to Sections 122-1338, 122-1339 and 122-807 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments: [Staff Report](#)
 [Planning Package](#)
 [Noticing Package](#)
 [DRC Utilities Comments](#)
 [Applicant Presentation](#)

Mr. Russo recused himself for this item and left the dais.

A motion was made by Mr. Batty, seconded by Mr. Browning, that the Transfer of Transient Unit License be Approved with conditions set forth in the Staff Report with the exception of Condition #2 which is removed. The motion carried by the following vote:

Recuse: 1 - Mr. Russo

Absent: 1 - Vice Chair Varela

Yes: 4 - Mr. Batty, Mr. Browning, Mr. Gilleran, and Chairman Holland

Enactment No: PB Resolution 2024-01

5 **Transfer of a Transient Unit License - 610 Duval St (RE# 00012600-000000) -** A request to transfer two (2) transient units and licenses from a sender site located at 1004 Eaton Street(RE# 00005290-000000) in the Historic Medium Density Residential (HMDR) zoning district, to a receiver site located at 610 Duval Street (RE# 00012600-000000) in the Historic Residential Commercial

Core - 1 (HRCC-1) zoning district, pursuant to Sections 122-1338, 122-1339 and 122-687 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Planning Package](#)
 [Noticing Package](#)
 [DRC Utilities Comments](#)
 [Applicant Presentation](#)

Mr. Russo remained recused and was not present on the dais.

A motion was made by Mr. Browning, seconded by Mr. Batty, that the Transfer of Transient Unit License be Approved with conditions set forth in the Staff Report with the exception of Condition #2 which is removed. The motion carried by the following vote:

Recuse: 1 - Mr. Russo

Absent: 1 - Vice Chair Varela

Yes: 4 - Mr. Batty, Mr. Browning, Mr. Gilleran, and Chairman Holland

Enactment No: PB Resolution 2024-02

6

Transfer of a Transient Unit and License - A request to transfer two transient units and licenses from a sender site located at 1004 Eaton Street (RE# 00005290-000000) in the Historic Medium Density Residential district to a receiver site located at 1128-1130 Duval Street (RE# 00027950-000000) in the Historic Residential Commercial Core - 3 zoning district, pursuant to Section 122-1338, 122-1339, and 122-747 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Planning Package](#)
 [Noticing Package](#)
 [1004 Eaton Street Conversion Memo 7.13.23](#)
 [DRC Utilities Comments](#)
 [Applicant Presentation](#)

Mr. Russo remained recused and not present on the dais.

A motion was made by Mr. Batty, seconded by Mr. Browning, that the Transfer of Transient Unit License be Approved with conditions set forth in the Staff Report with the exception of Condition #2 which is removed. The motion carried by the following vote:

Recuse: 1 - Mr. Russo

Absent: 1 - Vice Chair Varela

Yes: 4 - Mr. Batty, Mr. Browning, Mr. Gilleran, and Chairman Holland

Enactment No: PB Resolution 2024-03

6:36 P.M. - Meeting went into Recess

6:41 P.M. - Meeting Reconvened with Mr. Russo returning to dais.

7

Change of Nonconforming Use - 3438 Duck Avenue (RE# 00053120-000101) - A request for a change of nonconforming use to allow for the conversion of a business and professional office to a medical office for property located at 3438 Duck Avenue in the Single-Family zoning district, pursuant to Sections 122-32, 122-235, 122-236, and 108-572 of the Land Development Regulations of the Code of Ordinance of Key West, Florida.

- Attachments:** [Staff Report](#)
 [Planning Package](#)
 [Noticing Package](#)
 [DRC Utilities Comments](#)
 [DRC Multimodal Comments](#)

A motion was made by Mr. Batty, seconded by Mr. Russo, that the Planning Resolution be Approved subject to the conditions set forth in the Staff Report with the exception of Condition #1 which is removed. The motion carried by the following vote:

Absent: 1 - Vice Chair Varela

Yes: 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Russo, and Chairman Holland

Enactment No: PB Resolution 2024-04

8

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 114 of the Land Development Regulations, entitled “Signs”, by adding a new Division 5. “Yard Sales”; Section 114-142, entitled Definitions, Section 114-143, entitled Permit Required, Section 114-144, entitled Merchandise, Section 114-145, entitled Signage, Section 114-146, entitled Parking, and Section 114-147 entitled Enforcement of Article; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Staff Report](#)

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

No: 2 - Mr. Browning, and Mr. Gilleran

Absent: 1 - Vice Chair Varela

Yes: 3 - Mr. Batty, Mr. Russo, and Chairman Holland

Enactment No: PB Resolution 2024-05

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 Land Development Regulations Chapter 86 entitled “General Provisions”, Section 86-9 entitled, “Definition of terms.”, Chapter 122 entitled “Zoning”, Article V. entitled “Supplementary District Regulations”, Division 4 entitled “Accessory Uses and Structures”, Section 122-1181 entitled “Permitted and restricted uses” and Section 122-1185 entitled “Swimming pools”, and to create Section 122-1187 entitled “Gazebos, pergolas, and other roofed structures.”, to provide for an amended definition of the terms “Building Coverage” and “Accessory Structure”; create regulations for gazebos,

pergolas, and other roofed structures, and amend the required setbacks for swimming pools; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Building Department Cover Memo](#)
 [Building Department Draft Ordinance](#)

Postponed to February 15, 2024

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 Land Development Regulations Chapter 122 entitled “Zoning”, Article V. entitled “Supplementary District Regulations”, Division 3 entitled “Area Requirements”, Section 122-1143 entitled “Impervious Surface Requirements for all uses”, to allow waterbodies to be calculated as a pervious surface; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments: [Staff Report](#)
 [Building Department Cover Memo](#)
 [Building Department Draft Ordinance](#)

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

Absent: 1 - Vice Chair Varela

Yes: 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Russo, and Chairman Holland

Enactment No: PB Resoltuion 2024-06

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 to amend Land Development Regulations Chapter 86 entitled “General Provisions”, Section 86-9 entitled, “Definition of terms.”; Chapter 108 entitled “Planning and Development”, Article VI. entitled

“Landscaping”, Division 3 entitled “Regulations Generally”, Section 108-452 entitled “Required sight distances for landscaping adjacent to public rights-of-way and points of access”; Chapter 114 entitled “Signs”, Article II entitled “Regulations”, Division 4 entitled “Certain Boulevards”, Section 114-136 entitled “Definitions” and Section 114-137 entitled “Boulevard Safety Zone”; Chapter 122 entitled “Zoning”, Article V entitled “Supplementary District Regulations”, Division 4 entitled “Accessory uses and Structures”, Section 122-1183 entitled “Walls and Fences” and Division 8 entitled “Land Restrictions”, Section 122-1406 entitled “Obstructions to Visibility”, to require the height of buildings and all structures to be measured from the crown of road; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

- Attachments:** [Staff Report](#)
 [Building Department Cover Memo](#)
 [Building Department Draft Ordinance](#)

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

- Absent:** 1 - Vice Chair Varela
- Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Russo, and Chairman Holland
- Enactment No: PB Resolution 2024-07

Reports

Public Comment

Board Member Comment

Adjournment - 7:18 P.M.