



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Tuesday, March 12, 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

**Present** 7 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Miller, Mr. Russo, Vice Chair Varela, and Chairman Holland

#### Pledge of Allegiance to the Flag

**Approval of Agenda - The agenda was unanimously approved as amended and with the add-on Discussion Item**

#### Administering the Oath by the Clerk of the Board

#### Approval of Minutes

1 February 15, 2024

Attachments: [Minutes](#)

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

#### Old Business

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 3.12.24
  - Public Comment - Ed Cunningham
  - 2024 01 Planning Board Objection Letter 01-18-2024
  - Planning Package 1.18.24
  - Noticing Package 1.18.24
  - Noticing Package 11.16.23
  - Noticing Package

**A motion was made by Mr. Gilleran, seconded by Mr. Batty, that the FLUM Amendment be Approved based on conformance with required criteria and all verbal and written items presented in the record by staff and the applicant. The motion carried by the following vote:**

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

**Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Miller, and Vice Chair Varela

Enactment No: PB Resolution 2024-10

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 3.12.24
  - Planning Package 1.18.24
  - 2024 01 Planning Board Objection Letter 01-18-2024
  - Public Comment - Ed Cunningham
  - Noticing Package 1.18.24
  - Noticing Package 11.16.23
  - Noticing Package

**A motion was made by Mr. Gilleran, seconded by Vice Chair Varela, that the Official Zoning Map Amendment be Approved based on conformance with required criteria and all written and verbal items presented in the record by staff and the applicant. The motion carried by the following vote:**

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

**Yes:** 5 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Miller, and Vice Chair Varela

Enactment No: PB Resolution 2024-11

4

**Major Modification to a Minor Development Plan - 3228 Flagler Avenue (RE: 00069040-000000)** - A request for a major modification to a minor development plan approval for the development of five deed-restricted affordable residential units and three market rate residential units, with landscape waivers for a property located within the Limited Commercial (CL) Zoning District, in addition to affordable housing linkage provisions associated with proposed development at 638 United Street, pursuant to Chapter 108, Section 108-91 entitled "Scope; major and minor developments"; Chapter 122, Article IV, Division 4, Subdivision II entitled "Limited Commercial District"; 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:**    [Staff Report](#)  
[Planning Package 3-12-24](#)  
[Updated Sec 108 Review 3-7-24](#)  
[Tree Commission Conceptual Landscape Approval Letter](#)  
[Letter of Opposition - George Wallace](#)  
[Letter of Opposition - Steve Russ](#)  
[Letter of Opposition - W.H. Bradbury King](#)  
[Noticing Package](#)

**Postponed to June 20, 2024**

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 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:**
- Ordinance
  - Cover Memo
  - Staff Report

**A motion was made by Mr. Batty, seconded by Mr. Russo, that the Text Amendment be Approved as originally presented by Building Department. The motion carried by the following vote:**

**No:** 1 - Mr. Miller

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

Enactment No: PB Resolution 2024-12

6 **Text amendment of the Land Development Regulations** - A Resolution of the City of Key West Planning Board recommending an ordinance to the City Commission invoking of the Zoning In Progress Doctrine; declaring that the City is considering amendments to its Land Development Regulations to adopt inclusionary affordable and workforce housing standards for commercial properties along with additional measures to promote housing opportunities for local workers and those in need of affordable and workforce housing opportunities; Directing Building and Planning Department staff to defer the acceptance and processing of applications associated with the Limited Commercial (CL) and/or General Commercial (CG) Districts which involve projects whose construction costs meet or exceed \$500,000.00 in value as determined by the Chief Building Official; continuing this policy until new permit requirements and/or amended Land Development Regulations are adopted by the City Commission or until after the passage of 180 days from the date of this ordinance, whichever occurs first; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

**Attachments:**     [Resolution](#)  
                              [Cover Memo](#)  
                              [Staff Report](#)  
                              [2.15.24 Staff Report](#)  
                              [PB RES 2024-009 Zoning In Progress](#)

**A motion was made by Vice Chair Varela, seconded by Mr. Batty, that the Text Amendment be Denied. The motion carried by the following vote:**

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

Enactment No: PB Resolution 2024-13

- 7                   **Text amendment of the Land Development Regulations** - A Resolution of the City of Key West Planning Board recommending an amendment of the Land Development Regulations, entitled Chapter 90 - Administration, Division 3 - Variances, Section 90-395, entitled Standards, Findings to amend the criteria for evaluating variance applications; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments:     [Staff Report](#)

Postponed to April 18, 2024

- 8                   **Withdrawn by Staff: Text amendment of the Land Development Regulations** - A Resolution of the City of Key West Planning Board recommending an amendment of the Land Development Regulations, entitled Chapter 86 - General Provisions, Section 86-9 - Definition of terms, Chapter 122 - Zoning, Article IV - Districts, Division 4 - Commercial Districts, Subdivision II - Limited Commercial (CL) District, Subdivision III - General Commercial (CG) District, Division 7 - Historic Residential Commercial Core (HRCC-1 to 3) Districts, Subdivision II - HRCC-1 (Duval Street Gulfside District), Subdivision IV - Historic Residential Commercial Core - 3 (Duval Street Oceanside District) to allow for the definition of "personal service establishments" and the inclusion of tattoo parlors as permitted uses within the CL, CG, HRCC-1, and HRCC-3 Districts; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Attachments:     [Staff Report](#)

Withdrawn

**New Business**

**9**                    **Minor Development Plan Extension - 1801 White St (RE# 00059570-000000)** - A request for a first extension of an approved Minor Development Plan in the Public Services (PS) zoning district per Planning Board Resolution No. 2022-057 of the City of Key West Planning Board, pursuant to Chapter 108 entitled, "Planning and Development", Article II entitled, "Development Plan", Division 6 entitled, "Review Process", Section 108-203 entitled, "Expiration, Transferability, and Extension" of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

- Attachments:**    [Staff Report](#)  
                               [Planning Package](#)  
                               [Noticing Package](#)  
                               [PB-RES 2022-057](#)  
                               [2022 Plans](#)

**A motion was made by Mr. Batty, seconded by Mr. Russo, that the Minor Development Plan Extension be Approved. The motion carried by the following vote:**

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

Enactment No: PB Resolution 2024-14



10

**Alcohol Sales Special Exception - 325 Duval Street (RE# 00004320-000000)** - A request for a special exception to add the sale of alcohol at an existing hotel in the Historic Residential Commercial Core - 1 Duval Street Gulfside District (HRCC-1) zoning district pursuant to Chapter 18 entitled, "Businesses", Article II entitled "Alcoholic Beverages", Division I entitled, "Generally" of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments:     [Staff Report](#)  
                          [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 18-28 B (2) have been met by the Applicant, that the Applicant has demonstrated a "Good Neighbor Policy" and that the Alcohol Sales Special Exception be Granted subject to Conditions 1 and 2 only (striking Conditions 3 through 5) as outlined in the Staff Report. The motion carried by the following vote:

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

Enactment No: PB Resolution 2024-15

**6:44 P.M. - Mr. Batty left the Meeting**

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 122 entitled “Zoning”, Article II, entitled “Nonconformities” Section 122-28 entitled “Replacement or reconstruction” and Section 122-32 entitled “Additional regulations”; and Article V, entitled “Supplementary District Regulations”, Division 3, entitled “Area Requirements”, Section 122-1145, entitled “Required yards.” to accommodate a housing supply that is responsive to the current and future projected populations needs by reducing regulatory barriers to the elevation of dwellings and the development of accessory dwelling units.

- Attachments:**
- Ordinance
  - Cover Memo
  - Staff Report
  - Resolution

**A motion was made by Mr. Browning, seconded by Mr. Russo, that the Text Amendment be Approved with a modification to proposed Sec 122-1145(g)(2) to require a 5 foot set-back for side yard property line. The motion carried by the following vote:**

**Absent:** 1 - Mr. Batty

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

Enactment No: PB Resolution 2024-16

12

**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, 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," Section 122-30 entitled "Abandonment," Section 122-31 entitled "Noncomplying lots or building sites of record," Section 122-32 entitled "Additional regulations," Section 122-33 entitled "Eminent domain/public purpose waiver," and Section 122-34 entitled "Status of parcels during or after acquisition by eminent domain action or voluntary conveyance for public transportation or other public purpose"; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

**Attachments:** Ordinance  
 Cover Memo  
 Staff Report  
 Chapter 122, Article II - Nonconformities

**A motion was made by Mr. Russo, seconded by Mr. Browning, that the Text Amendment be Approved with the addition of a ten (10) year limitation for reconstruction of involuntary demolition and a request that City Commission generates language allowing for an extension beyond 10 years in order to bring the item back to the Planning Board at no cost to the applicant. The motion carried by the following vote:**

**Absent:** 1 - Mr. Batty

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

Enactment No: PB Resolution 2024-17

**Discussion**

- 13 Discussion and recommendations to City Commission regarding Key West securing its pro-rata share of possible 8,000 units to be approved by the State.

Sponsors: Mr. Browning

Discussed

**Reports**

**Public Comment**

**Board Member Comment**

**Adjournment - 7:25 P.M.**