



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Thursday, June 20, 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.**

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

#### Approval of Minutes

1 May 16, 2024

Attachments: [Minutes](#)

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

#### Old Business

2 **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 three deed-restricted affordable**

residential units and five 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 5-21-24](#)  
                              [Updated Sec 108 Review 3-7-24](#)  
                              [Tree Commission Conceptual Landscape Approval Letter](#)  
                              [Combined Letters of Objection](#)  
                              [Public Comment - King](#)  
                              [Noticing Package](#)  
                              [Applicant Presentation](#)

**A motion was made by Mr. Browning, seconded by Mr. Miller, the Major Modification to a Minor Development Plan be Approved subject to conditions outlined in the staff report with additional changes as follows:**

**Condition #1 -The proposed development shall be in compliance with the site plans submitted to the Planning Board at the June 20, 2024 meeting.**  
**Condition #2 - The applicant shall include four (4) deed restricted affordable housing units pursuant to Section 122-1467(1)(d) and execute and record a deed restriction in a form provided by the city attorney, to meet the linkage requirements for the approved major development plan at 638 United Street.**  
**Condition #6 - The applicant shall submit revised landscape plans approved by the Urban Forestry Manager and Planning Director and receive approval from the Tree Commission of the landscape plan within three months of Planning Board approval. Revised landscape plans shall at a minimum include trees and shrubs along the western lot line adjacent to the existing parking spaces extending from the building front to the front lot line, new landscaping within the existing pervious area between the sidewalk and Flagler Avenue, and new landscaping in the areas circled in red in Exhibit B as approved and recommended by the Urban Forester. As well as street trees to the amount determined by the Urban Forester on the outside of the wall on Riviera Drive.**

**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 Res 2024-25

**3**                                 **Variance - 418 United Street (RE# 00029000-000000)** - A request for variances to the minimum required side yard setback in order to install air conditioning units at a property located in the Historic High Density Residential (HHDR) zoning district, pursuant to Sections 90-395 and 122-630 (6) of the Land Development Regulations of the City of Key West, Florida.

- Attachments:**     [Staff Report](#)  
                               [Planning Package](#)  
                               [Noticing Package](#)  
                               [Applicant Letter](#)  
                               [KWFD Fire Marshal - 418 United Street Life Safety Concern](#)

**A motion was made by Mr. Browning, seconded by Mr. Russo, that the Variance request be postponed until the August 15, 2024 Planning Board Meeting. 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

**4**                                 **Withdrawn by Staff: Text amendment to 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 102, entitled “Historic Preservation”, by amending Article I. In General by adopting a purpose in Chapter 102, and amending Article IV entitled “Certificate of Appropriateness”, Division 3, entitled “Demolitions” by adopting demolition policies and new section 102-233 entitled “After-the Fact Certificate of Appropriateness for Demolition”; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Withdrawn

**New Business**

**5**                                 **Variance - 1015 Casa Marina Court (RE# 00058690-000000)** - A request for variances to building coverage, rear setback, front setback, and open space requirements to construct a single-family dwelling at

property located in the Single-Family zoning district pursuant to Section 90-395 and 122-238 of the Land Development Regulations of the City of Key West, Florida.

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

Postponed to July 18, 2024.

**6 Variance - 1125 Duval Street (RE# 00027870-000000) -** Applicant seeks a variance to minimum parking requirements at a commercial property pursuant to Section 108-572 of the Land Development Regulations for property located within the Historic Commercial Core - 3 (HRCC-3) District.

Attachments: [Planning Package](#)

Postponed to July 18, 2024.

**7 Minor Development Plan - 1125 Duval Street (RE# 00027870-000000) -** A request for minor development plan approval for the proposed development of 500 square feet of additional gross floor area, associated site plan modifications, and landscape waivers at a property located within the Historic Commercial Core (HRCC-3) Zoning District pursuant to Chapter 108 (Planning and Development), Article II (Development Plan), Division 3 (Applicability and Filing Procedure), and Chapter 108 (Planning and Development), Article II (Development Plan) Division 6 (Review Process); of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Planning Package](#)  
[Keys Energy Comments](#)  
[Multimodal Comments](#)

Postponed to July 18, 2024.

8

**Final Determination of Award for Year 11 Building Permit Allocation System (BPAS) Applications** pursuant to Sections 108-995 and 108-997 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [Staff Report](#)  
[BPAS - Applicant's Proposal to Avoid Appeal](#)  
[Letters Supporting Applicant's Proposal](#)  
[201 Front Street - 14 Market Rate Units](#)  
[638 United Street - 4 Market Rate Units](#)  
[916 Pohalski Avenue - 1 Market Rate Unit](#)  
[920 Virginia Street - 1 Affordable Rate Unit](#)  
[930 Catherine Street - 1 Affordable Rate Unit](#)  
[1110 Truman Avenue - 1 Affordable Rate Unit](#)  
[1213 14th Street - 204 Affordable Rate Units](#)  
[1213 14th Street -68 Market Rate Units](#)  
[1409 United Street - 1 Market Rate Unit](#)  
[1817 Staples Avenue - 3 Market Rate Units - Affordable App Withdrawn](#)  
[2709 Staples Avenue - 1 Affordable Rate Unit ADU](#)  
[3101 N Roosevelt Blvd - 13 Affordable Rate Units](#)  
[3228 Flagler Ave - 4 Affordable Rate Units](#)  
[3228 Flagler Ave - 4 Market Rate Units](#)  
[3504 Duck Avenue - 1 Affordable Rate Unit ADU](#)  
[6450 College Road - 2 Market Rate Units](#)  
[3400 Duck Avenue - 54 Affordable Rate Units](#)

Vice Chair Varela recused himself from this item and left the dais.

A motion was made by Mr. Russo, seconded by Mr. Miller, to approve the modified proposal for BPAS allocations with the following conditions:

**Condition #1 - 2709 Staples Avenue submitted for two levels of affordable housing but are only proposing one unit.**

**This unit will be deed restricted to median affordability.**

**Condition #2 - 3400 Duck Ave has requested 54 affordable rate units and shall deed restrict thirteen (13) units at**

**median affordable income level and forty-one (41) units at moderate affordable income level as stated in their certification.**

**Condition #3 - One affordable unit from 1213 14th Street or 3101 North Roosevelt Boulevard is deducted and allocated to 920 Virginia Street.**

**The motion carried by the following vote:**

**Recuse:** 1 - Vice Chair Varela

**Yes:** 6 - Mr. Batty, Mr. Browning, Mr. Gilleran, Mr. Miller, Mr. Russo, and Chairman Holland

Enactment No: PB Res 2024-26

**Reports**

Vice Chair Varela rejoined the meeting on the dais.

**Public Comment**

**Board Member Comment**

**Adjournment - 7:35 P.M.**