



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Planning Board

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Thursday, March 16, 2023

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:** Individuals are responsible to share their presentation at the meeting on their laptop through Zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

**Call Meeting To Order - 5:00 P.M.**

#### Roll Call

**Absent** 2 - Vice Chair Gilleran, and Mr. Varela

**Present** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, and Chairman Holland

**Pledge of Allegiance to the Flag**

**Approval of Agenda - The agenda was unanimously approved as presented**

**Administering the Oath by the Clerk of the Board**

**Approval of Minutes**

1 February 16, 2023

Attachments: [Minutes](#)

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

**Old Business**

2

**Withdrawn by Applicant: Variance - 601 Truman Avenue (RE# 00017270-000000)** - A request for a variance to the maximum allowed impervious area, minimum open space, maximum building coverage, minimum side and rear setbacks, minimum parking spaces and size of spaces for a property located within the Historic Neighborhood Commercial-1 (HNC-1) zoning district pursuant to Section 90-395 and Section 108-572 (16), of the City of Key West Land Development Regulations.

**Attachments:**     [Noticing Package 11.17.22](#)  
[Staff Report 08.18.22](#)  
[Planning Package 06.16.22](#)  
[FDEP Environmental Statement & Memo from Applicant](#)  
[Applicant's Presentation 8.18.2022](#)  
[Staff Report 7.21.22](#)  
[Applicant's Presentation 7.21.22](#)  
[Noticing Package](#)  
[Staff Report 6.16.22](#)  
[601 Truman-Revisions to Phasing Memo-Pkg-Submission Receipt-05.24.22](#)

**Withdrawn**

3

**Withdrawn by Applicant: Alcohol Sales Special Exception - 601 Truman Avenue (RE# 00017270-000000) - A request for approval for special exception to allow the sale of beer and wine at a restaurant to be located in the Historic Neighborhood Commercial - 1 (HNC-1) zoning district pursuant to Sections 18-27 and 18-28 of the City of Key West Land Development Regulations.**

**Attachments:** [Noticing Package 11.17.22](#)  
[Staff Report 08.18.22](#)  
[Planning Package 06.16.22](#)  
[Applicant's Presentation 8.18.22](#)  
[Requested Revisions to Conditions-Submission-07.18.2022](#)  
[Presentation from Applicant 7.21.22](#)  
[Letter from Neighboring Church](#)  
[Staff Report 6.16.22](#)  
[Noticing Package](#)

**Withdrawn**

4

**Withdrawn by Applicant: Major Development Plan, Conditional Use & Landscape Waiver - 601 Truman Avenue and 919 Simonton Street (RE# 00017270-000000)** - A request for approval of a major development plan, a conditional use for a restaurant and modification of a deemed conditional use for small recreation power-driven equipment rentals, and a landscape waiver for a mixed use development located at 601 Truman Avenue and 919 Simonton Street in the Historic Neighborhood Commercial - 1 (HNC-1) zoning district pursuant to Sections 108-91.A.2(b), 108-517, 122-62, 18-355 and 122-808 of the City of Key West Land Development Regulations.

**Attachments:** [Noticing Package 11.17.22](#)  
[Staff Report 08.18.22](#)  
[Planning Package 06.16.22](#)  
[Noticing Package 8.18.22](#)  
[Applicant's Presentation 8.18.22](#)  
[Applicant's Presentation 7.21.22](#)  
[Staff Report 7.21.22](#)  
[Applicant's Requested Revision to Conditions - 7.19.22](#)  
[Applicant's Requested Revision to Condition - 7.20.22](#)  
[FDEP Environmental Statement & Memo from Applicant](#)  
[Noticing Package](#)  
[Staff Report 6.16.22](#)  
[Revised Phasing Memo](#)  
[Phasing Memo Communications](#)  
[Applicant's DRC Response Memo \(1\)](#)  
[Applicant's DRC Response Memo \(2\)](#)  
[601 Truman-Revisions to Phasing Memo-Pkg-Submission Receipt-05.24.22](#)  
[Keys Energy Comments](#)  
[GIS Administrator Comments](#)  
[DRC Utilities Comments revised 2021 JUNE](#)  
[Floodplain Revised Comments](#)

**Withdrawn**

**New Business**

- 5                   **Variance - 901 Fleming Street (RE# 00005650-000000) -**  
A request for a variance from off-street parking requirements as provided in Section 108-572 to permit a food and beverage establishment/restaurant at 901 Fleming Street located in the Historic Neighborhood Commercial (HNC-2) zoning district, pursuant to Section 90-395 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 Comments](#)

**A motion was made by Mr. Lloyd, seconded by Mr. Russo, 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 - Ms. Henderson

**Absent:** 2 - Vice Chair Gilleran, and Mr. Varela

**Yes:** 4 - Mr. Browning, Mr. Lloyd, Mr. Russo, and Chairman Holland

Enactment No: PB Resolution 2023-04

6

**Conditional Use - 901 Fleming Street (RE# 00005650-000000)** - A request for a conditional use approval to operate a food and beverage establishment, excluding drive-through, on the ground floor of a two-story building, located in the Historic Neighborhood Commercial (HNC-2) zoning district, pursuant to Section 122-836 through Section 122-840 and Section 122-62 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [Staff Report](#)  
[Planning Package](#)  
[Noticing Package](#)  
[Engineering Comments](#)  
[MTC Comments](#)  
[Utilities Comments](#)

**A motion was made by Mr. Lloyd, seconded by Mr. Russo, 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. The motion carried by the following vote:**

**Absent:** 2 - Vice Chair Gilleran, and Mr. Varela

**Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, and Chairman Holland

Enactment No: PB Resolution 2023-05

7

**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 II entitled “Nonconformities”, Section 122-30 entitled, “Abandonment of nonconforming use.” to amend the components that determine abandonment of a nonconforming use; and Chapter 86 of the Land Development Regulations, entitled “General Provisions”, Section 86-9 entitled, “Definition of terms.” to provide for an amended definition of the term “Abandon”.

- Attachments:**     [Staff Report](#)  
                                   [PB Resolution](#)  
                                   [Draft Ordinance](#)

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

- Absent:** 2 - Vice Chair Gilleran, and Mr. Varela
- Yes:** 5 - Mr. Browning, Ms. Henderson, Mr. Lloyd, Mr. Russo, and Chairman Holland
- Enactment No: PB Resolution 2023-06

**Reports**

**Public Comment**

**Board Member Comment**

**Adjournment - 6:44 P.M.**