

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members
Through: Taylor Brown, Planning Director
From: Ben Gagnon, Planner II
Meeting Date: February 19, 2026

Agenda Item: **Parking Variance – 1903-1905 Flagler Avenue (RE# 00045090-000000, RE# 00045110-000000)** – A request for a parking variance for redevelopment of two existing vacant lots to construct a plant and tree nursery including sales providing nine (9) parking spaces of the required fourteen (14) on a property located within the Limited Commercial (CL) zoning district, pursuant to Sections 108-572, 108-574 and 90-395 of the Land Development Regulations of the City of Key West, Florida.

Request: This application requests a parking variance for a minor development plan to redevelop a largely vacant parcel to a nursery and plant commercial business. The property offers 9 automobile spaces where 14 are required.

Applicant: SmithHawks PL

Property Owner: Sugar Apple Properties LLC

Location: 1903-1905 Flagler Avenue (RE# 00045090-000000, RE# 00045110-000000)

Zoning: Commercial Limited CL



Background and Analysis

The current site 11,525 square feet and consists of both 1903 Flagler Ave and 1905 Flagler Ave under common ownership. The proposal is for a plant and tree nursey including the sale of both with approximately 4,096 square feet of commercial use – as potted plants and trees. The only proposed structure on site is a shade structure that would allow rain to fall through but prevent high sun exposure to the plants. There is a 150 square foot concrete shed that exists on site, the shed will remain and be renovated to be used as an accessory to the business including a new ADA restroom. A conditional use is not required as a plant and tree nursery would fall under commercial retail – a permitted use in the CL district.

While there is very little actual building coverage, Sec 122-386 states, “*The CL district shall accommodate limited commercial land uses with maximum gross floor area not exceeding 5,000 square feet, including total area both under roof and outside sales area*” therefore, planning took into account the entire outdoor sales area when it came to whether the project triggered development review and or a parking variance. The parking required is based on the entire commercial area of outdoor sales, not just the building coverage of the 150 square-foot concrete structure.

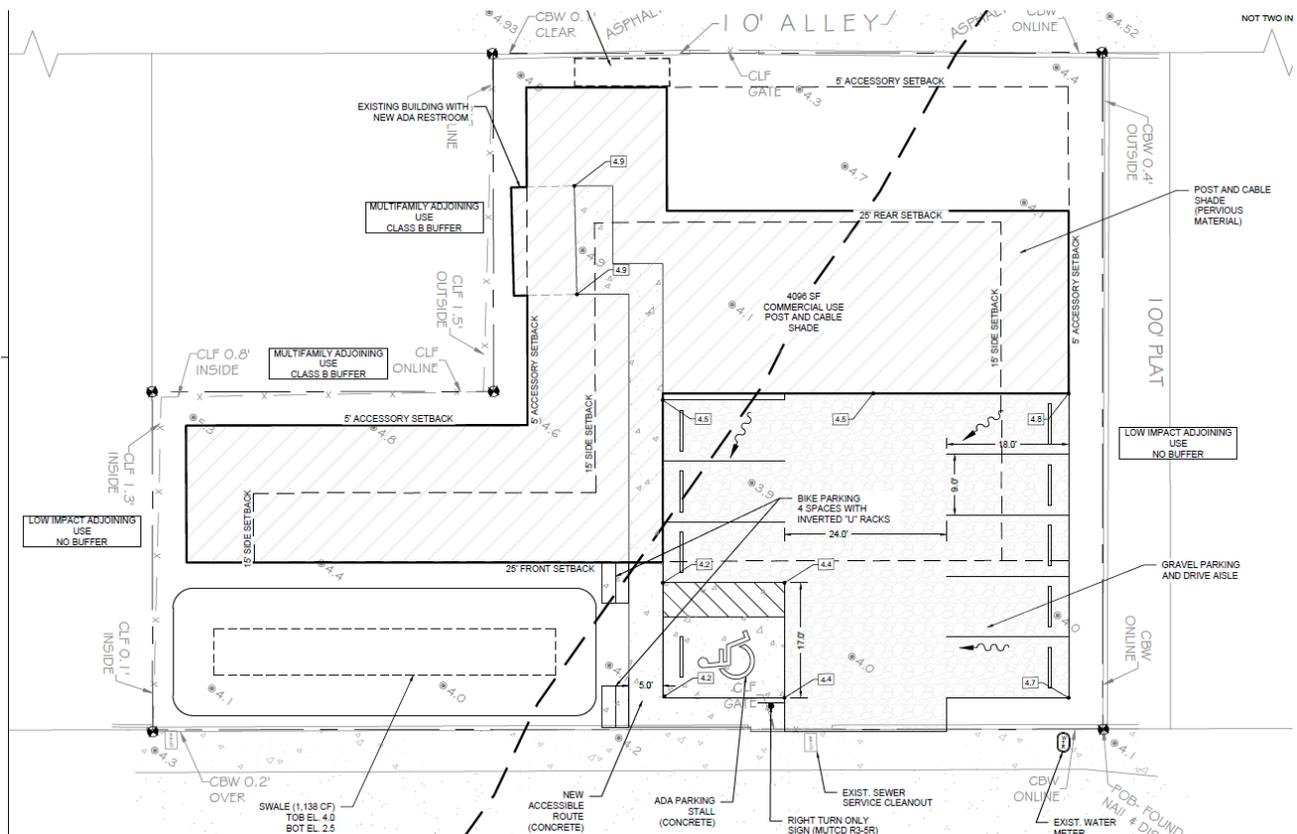
Pursuant to section 108-572 of the code, commercial spaces are required to provide 1 parking space for every 300 square feet of commercial floor area. The proposal is for 4,096 square feet of outdoor commercial area, requiring 14 spaces to be on site, the applicant is proposing 9 automobile spaces and 4 bicycle parking spaces. The accompanying parking variance is for the missing 5 spaces.

Proposed Development:

The site data table for the proposed development is shown below. All numbers are in Square Feet. The building coverage is calculated by using the entire proposed shade structure as it is above 30 inches from grade and fixed to the ground.

	Required	Existing	Proposed
Site Area		11,525	No change
Impervious Surface	60%	680 (5.9%)	1,027 (8.9%)
Building Coverage	40%	150 (1.3%)	4,246 (4096 of which is a shade structure) 36%
Open Space	20%	10,845 (94%)	10,498 (91%)
Front Setback	25'	N/A	25'
Side Setback	15'	N/A	15' (5' Accessory)
Rear Setback	25'	N/A	25' (5' Accessory)
<u>Parking</u>	<u>14 spaces</u>	<u>0 spaces</u>	<u>9 spaces (VAR requested for 5 spaces)</u>

Proposed Site Plan, submitted by applicant.



Staff Evaluation

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.*

There are no special circumstances which exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.

NOT IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

There are no special conditions or circumstances that exist that are not the result from action by the applicant.

NOT IN COMPLIANCE

3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.*

Granting the variance would confer on the applicant the ability to provide less parking on their property which is not allowed for other lands, buildings, or structures in the same zoning district.

NOT IN COMPLIANCE

4. *Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

Literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the zoning district are subject to the same parking requirements.

NOT IN COMPLIANCE

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure. The applicant could provide more parking with the space the lot provides.

NOT IN COMPLIANCE

6. *Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The variance is not likely to be injurious to the area involved or otherwise detrimental to the public interest.

IN COMPLIANCE

7. *Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

Existing nonconforming uses of other properties are not the basis of this request.

IN COMPLIANCE

Surrounding Zoning and Uses:

Single Family zoning is to the North, and Commercial Limited zoning district is on all other sides. To the north there are residential properties, and to the east south and west there are commercial properties and a school.

Process:

Planning Board Meeting:	February 19, 2026
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Concurrency Facilities and Other Utilities or Service (Section 108-233):

It does not appear that the requested parking variance will trigger any public facility or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

Staff have found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

2. *That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.*

As of February 12th, staff have received no letters of objection or support for this item.

Recommendation:

While staff acknowledge the outdoor nature of the use, the bike parking being provided, and assumed overall lower intensity compared to typical retail, Staff find that the application has not met all of the criteria for a variance as required by Section 90-395. As a result, staff recommends **denial** of the variance.

Should the board move to approve, staff recommends the following conditions:

General conditions:

1. The proposed development shall be consistent with the plans dated January 13, 2026 by Allen E Perez. PE

2. The proposed development shall follow the conceptual landscape plan reviewed and approved by the Tree Commission on January 20th, 2026 and attached in the planning package prepared and signed by Rooted Exotics, LLC and dated December 1, 2025.
3. A Right-Turn-Only sign shall be installed on the property parking lot to direct existing vehicles to turn west towards Bertha and First Street. The sign shall be reviewed by City of Key West Multimodal Coordinator.
4. Bike racks style and placement shall be approved by the City of Key West Multimodal Coordinator.
5. All refuse containers shall conform with City of Key West rules and regulations. The applicant shall work with the building owner and/or tenant to screen the solid waste dumpsters from view daily, pursuant to City of Key West Land Development Regulations, Sec. 108-279.
6. The hours of construction shall follow City Code and be limited to 8 a.m. to 7 p.m. on Monday to Friday, and 9 a.m. to 5 p.m. on Saturday.
7. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.