

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members

Through: James Singelyn, Acting Planning Director

From: Nicholas Perez-Alvarez, Stantec

Meeting Date: September 18, 2025

Agenda Item: **Major Development Plan – 3201 Flagler Avenue (RE# 00052870-000100)** - A request for a major development plan approval to reconstruct a two-story mixed-use commercial and residential structure with landscape waivers on minimum landscape percentage, street frontage, interior, and perimeter landscaping on property located within the Limited Commercial (CL) Zoning District pursuant to Chapter 108, Section 108-91, and Article III through IX, Chapter 122, Article IV, Division 4, Subdivision II, and Section 122-28 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: This application proposes the reconstruction within the same location and three-dimensional envelope of a mixed-use commercial and residential structure that was involuntarily destroyed by fire in 2022.

Applicant: Oropeza Stones & Cardenas, PLLC

Property Owner: Flagler Center III Condominium Association, Inc.

Location: 3201 Flagler Avenue (RE# 00052870-000100)

Zoning: Limited Commercial (CL) Zoning District



Background and Analysis

In September 2022, the building at 3201 Flagler Avenue known as Flagler Condominiums III was destroyed by fire. At the time it was destroyed, the City recognized 14 single-family residential dwelling units and 12 commercial units. Section 122-28 of the LDRs governs entitlements of involuntarily destroyed structures and the owner's right to replacement as follows:

Residential dwelling units may be replaced at their existing nonconforming density, location and three-dimensional building envelope. Dwelling units involuntarily destroyed do not require variances to be reconstructed or replaced. If a voluntary reconstruction or replacement occurs and if the dwelling units exist or existed in a noncomplying building or structure, the reconstruction or replacement that increases the nonconformity of the building or structure shall require a variance granted by the planning board.

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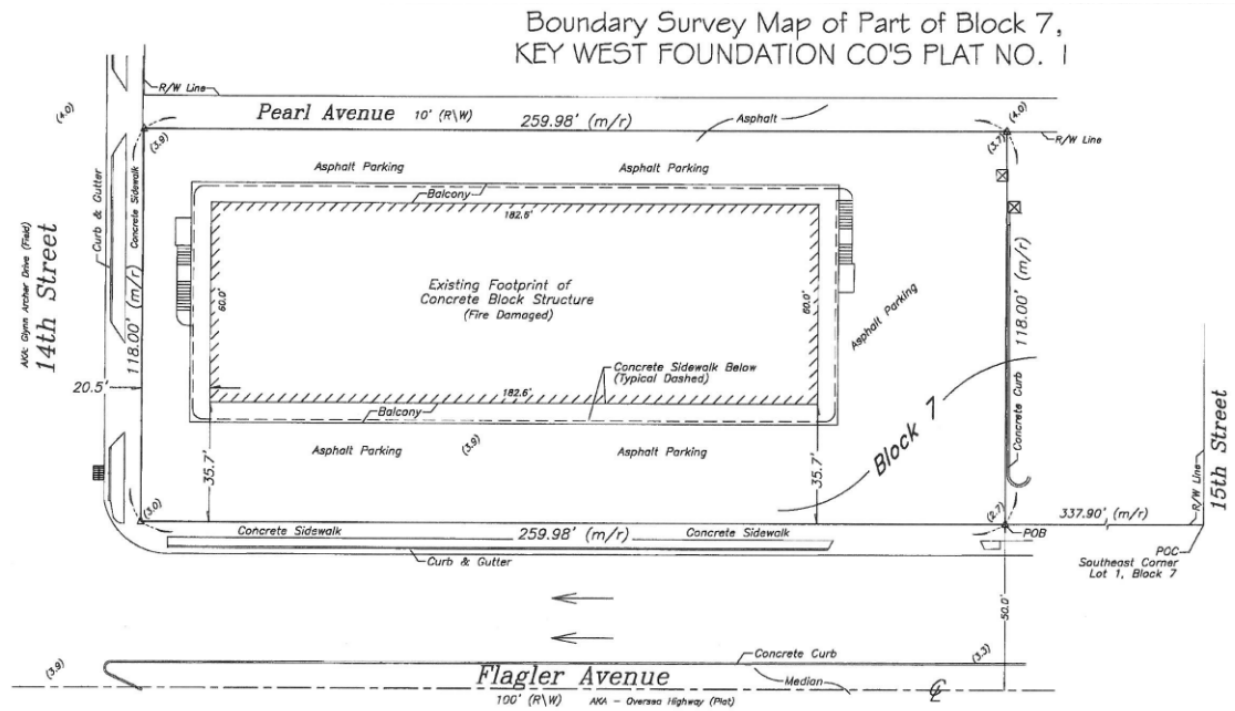
For a proposed reconstruction or replacement of a property without dwelling units, where that property is either a nonconforming use or a noncomplying building or structure, (i) if the property is involuntarily destroyed, reconstruction or replacement does not require a variance.

...

If a property contains both a dwelling unit and a commercial use, its reconstruction or replacement shall be governed, separately, under each applicable subsection set forth in this section.

The applicant proposes to reconstruct the building within the same location and three-dimensional envelope; per the above sections of code, a variance is not required for any of the building's existing nonconformities.

Survey



Proposed Development

The site data table for the proposed development is shown below.

Dimensional Requirements	Required		Existing		Proposed		Complies
Max. Density	16 du/ac	11.27	14		14		N*
Max. FAR	0.8	24,541.60	0.7	21,230	0.7	21,210	Y
Max. Height	40'		30'		25'-8"		Y
Max. bldg coverage	40%	12,270.80	46.5%	14,262	46.5%	14,262.00	N*
Max. ISR	60%	18,406.20	100%	30,677	98.5%	30,222.00	N*
Front setback	25' or 20% of lot depth	25'	29'-8"		29'-8"		Y
Rear setback	25' or 20% of lot depth	25'	16'-2"		16'-2"		N*
Side Setback	15' or 10% of lot width up to 20' max, whichever is greater	20'	46'-1"		46'-1"		Y
Side street setback	20'		9'-8"		9'-8"		N*

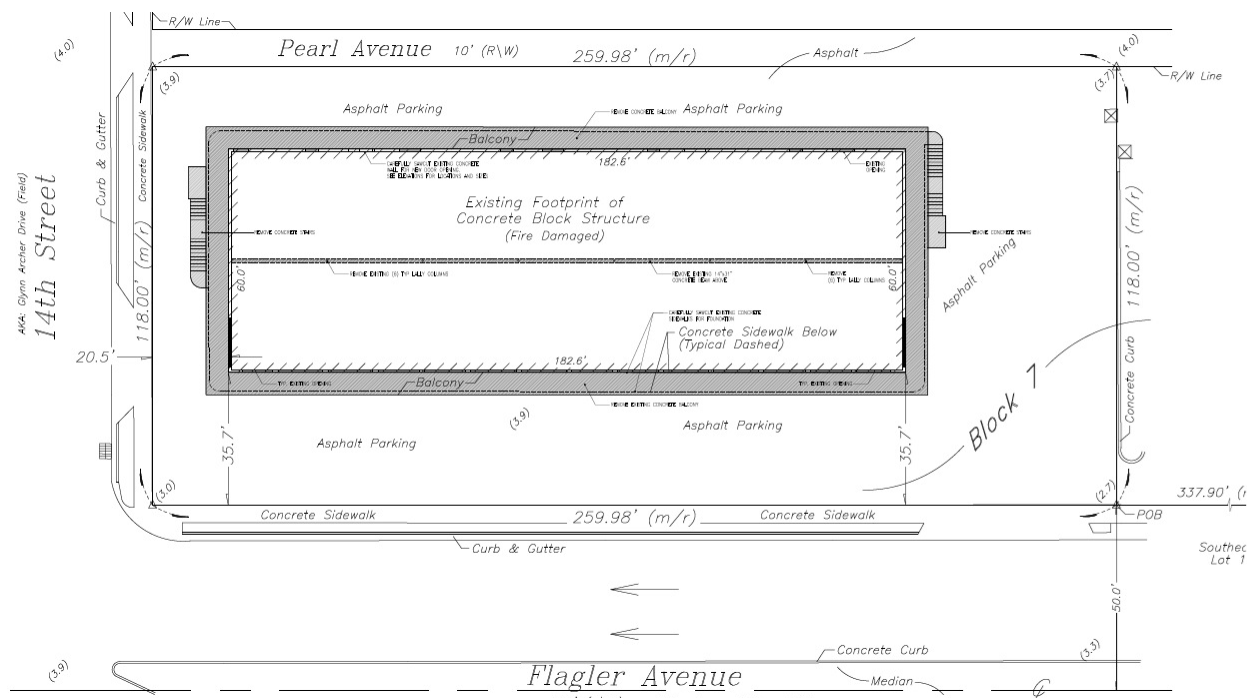
*Per Sec. 122-28, structure may be replaced at its nonconforming density, location, and three-dimensional building envelope.

The parking data table for the development footprint is shown below:

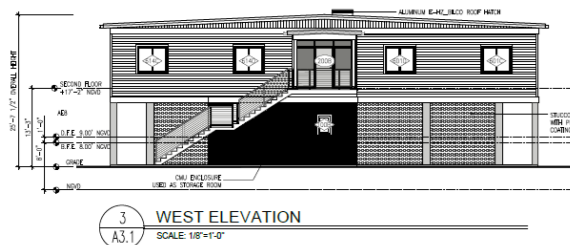
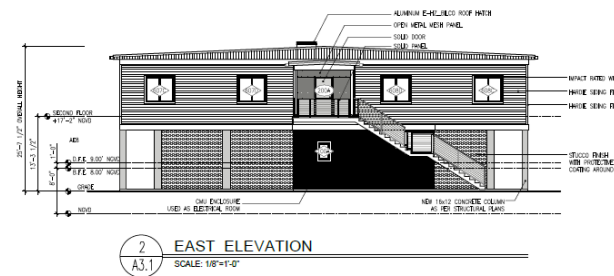
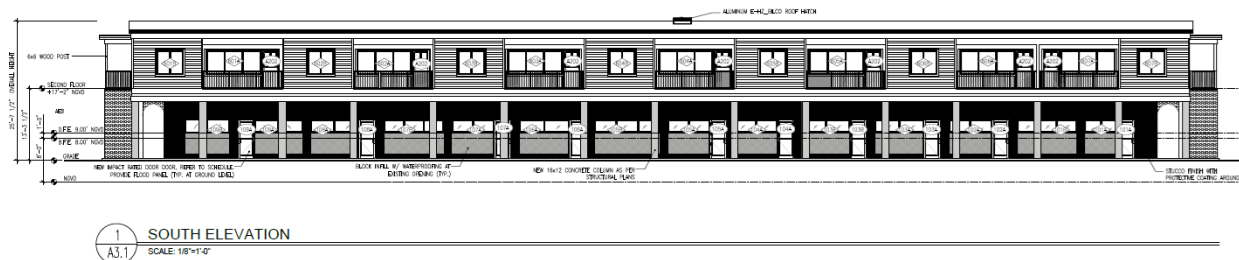
	Code	Required	Existing	Proposed	Complies
Commercial	1 space/300sf	37			
SF Residential	1 space/unit	14			
Total		51	48	48	No*

*Per Sec. 122-28, structure may be replaced at its nonconforming density, location, and three-dimensional building envelope.

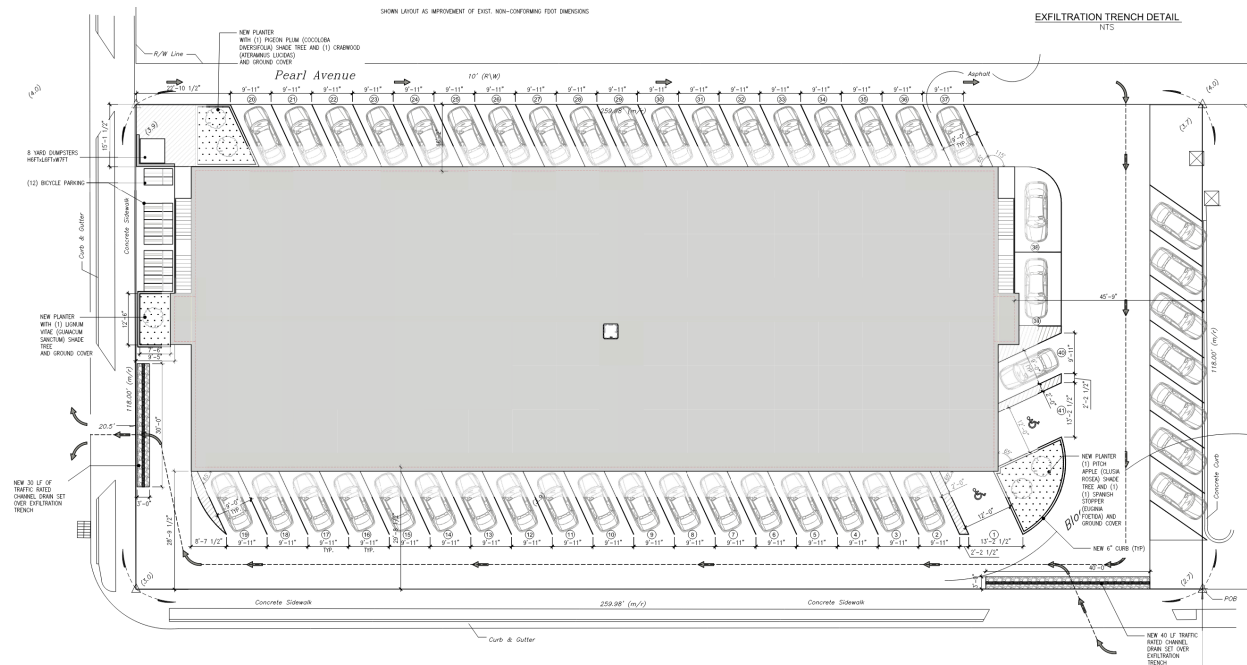
Proposed Site Plan



Proposed new building elevations



Proposed Landscape & Drainage Plan



Staff Analysis: Major Development Plan

Surrounding Zoning and Uses:

Surrounding properties are located within the Limited Commercial (CL) zoning district.

Process:

Development Review Committee:	July 17, 2025
Tree Commission Meeting	
(Conceptual landscape plan & tree removal approval):	August 19, 2025
Planning Board Meeting:	September 18, 2025
Tree Commission Meeting	
(Final landscape plan approval):	TBD
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Concurrency Analysis

Code Section 108-233 and Comprehensive Plan Objective 9-1.5 require the City to conduct concurrency reviews to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. Facilities subject to concurrency reviews are listed below, along with staff's evaluation are listed below:

FACILITIES/SERVICES	COMMENTS	COMPLIES?
Potable water	No increased demand on potable water is expected.	Yes.
Wastewater	No increased demand on wastewater is expected.	Yes.
Water quality	Impervious surface is being improved with new landscaping where none exists currently.	Yes.
Stormwater	Impervious surface is being improved with new landscaping where none exists currently. Stormwater management is also being improved with a new proposed exfiltration trench to capture stormwater runoff, where no such system exists currently.	Yes.
Solid Waste	No increase in solid waste demand is expected.	Yes.
Roadways	No increase in vehicular trip generation is expected.	Yes.
Recreation	No increase in recreation demand will result.	Yes.
Fire Protection	Project reviewed by Fire Department. No comments provided.	Yes.
Reclaimed Water	N/A	N/A
Other public facilities	N/A	N/A

Conclusion: Staff reviewed the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards.

Chapter 108 Development Review Summary

CODE SECTION	COMMENTS	COMPLIES?
Article III: Site Plan		
Sec. 108-279. - Location and screening of mechanical equipment, utility hardware and waste storage areas.	Solid waste area will be screened in accordance with Sec. 108-279.	Yes
Sec. 108-289. - Land clearing, excavation or fill.	N/A	N/A
Sec. 108-286. - Pedestrian sidewalks.	N/A	N/A
Article IV: Traffic Impacts		
Sec. 108-317. - Internal circulation system design and	N/A	N/A

access/egress considerations. / Sec. 108-318. - Separation of vehicles, bicycles and pedestrians.		
Article V: Open Space, Screening & Buffers		
Sec. 108-346. - Open space, landscaping and removal of exotic vegetation.	The applicant proposes landscaping improvements with approximately 450 sq. ft. of new landscaping where none exists currently.	Build-back permitted per Sec. 122-28.
Sec. 108-352. - Reducing landscape and/or bufferyard requirements.	30' required street frontage landscape buffer.	Build-back permitted per Sec. 122-28.
Article VI: Landscaping		
Sec. 108-411. - Landscape plan approval.	The conceptual landscape plan was reviewed and approved by the Tree Commission on August 19, 2025.	Yes.
Sec. 108-413. - Requirements along street frontage.	The site requires a landscape strip along the frontage at least 30' in width, with at least 120 plant units per 100 linear feet.	Build-back permitted per Sec. 122-28.
Sec. 108-416. - Other landscape requirements for nonvehicular use areas.	The site requires 4 trees for every 2,000 sq. ft. of nonvehicular open space.	Build-back permitted per Sec. 122-28.
Sec. 108-452. - Required sight distances for landscaping adjacent to public rights-of-way and points of access.	N/A	N/A
Sec. 108-481. - Specifications for plant materials.	If palms are used, they shall constitute no more than 25 percent of total tree requirements	Yes.
Sec. 108-517. - Waivers or modifications.	Per Section 108-517, the Planning Board may waive or modify the standards of Chapter 108 Article VI upon a finding that the modification meets the criteria outlined in Section 108-517. Staff has reviewed the application and found it consistent with these criteria.	Yes, build-back permitted per Sec. 122-28.
Article VII: Off-Street Parking and Loading		
Sec. 108-571	No change is proposed to the existing parking configuration totaling 48 spaces.	Build-back permitted

		per Sec. 122-28.
Article VIII: Stormwater and Surface Water Management		
Sec. 108-777. - Water quality criteria. & Sec. 108-778. - Water quantity criteria.	The applicant shall comply with all stormwater and surface water management criteria of the Code of Ordinances.	Yes.
Article IX: Utilities		
Sec. 108-956. - Potable water and wastewater.	Applicant has sufficient access to potable water and wastewater disposal system.	Yes.

Review Summary: Chapter 110 – Resource Protection

CODE SECTION	COMMENTS	COMPLIES?
Article IV: Coastal Resources		
Sec. 110-181. - Coastal shoreline impact. & Sec. 110-182. - Shoreline vegetation and stability.	N/A	N/A
Article VI: Tree Protection		
Sec. 110-366. - Protective barricades; performance bond.	N/A	N/A
Sec. 110-325. - Review and action by tree commission.	The conceptual landscape plan will be reviewed and approved by the Tree Commission on August 19, 2025.	Yes.

RECOMMENDATION

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Major Development Plan be **APPROVED** with the conditions listed below.

General conditions:

1. The proposed development shall be consistent with the plans by WSA Architecture, dated April 11, 2025, including the site plan sheet with revision date July 29, 2025.
2. The proposed development shall be consistent with the drainage plan by Northstar Engineering LLC signed August 25, 2025.
3. Final landscape plan approval is required from the Tree Commission or the Urban Forestry Manager prior to City Commission.