

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Stephanie de la Rosa, Stantec

Meeting Date: May 29, 2025

Agenda Item: **Minor Development Plan – 920 Caroline St (RE# 00002790-000000)** - A request for a minor development plan approval for the addition of 609 square feet (40 seats; 10 tables of 4) of outdoor restaurant consumption area on a recorded easement on the adjacent property (RE# 00002780-000000), for a property located within the Historic Residential Commercial Core Zoning District, HRCC-2 Key West Bight area sub-district, pursuant to Chapter 108, Section 108-91, and Article III through IX; and Chapter 122, Article IV, Division 7, Subdivision III of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Variance – 920 Caroline St (RE# 00002790-000000) – A request for a variance to the minimum off-street parking requirements to allow 0 spaces in lieu of the required 46 to accommodate the expansion of restaurant consumption area at a property located within the Historic Residential Commercial Core (HRCC-2); pursuant to Sections 90-395, 108-573 and 108-576 of the Code of Ordinances of the City of Key West, Florida.

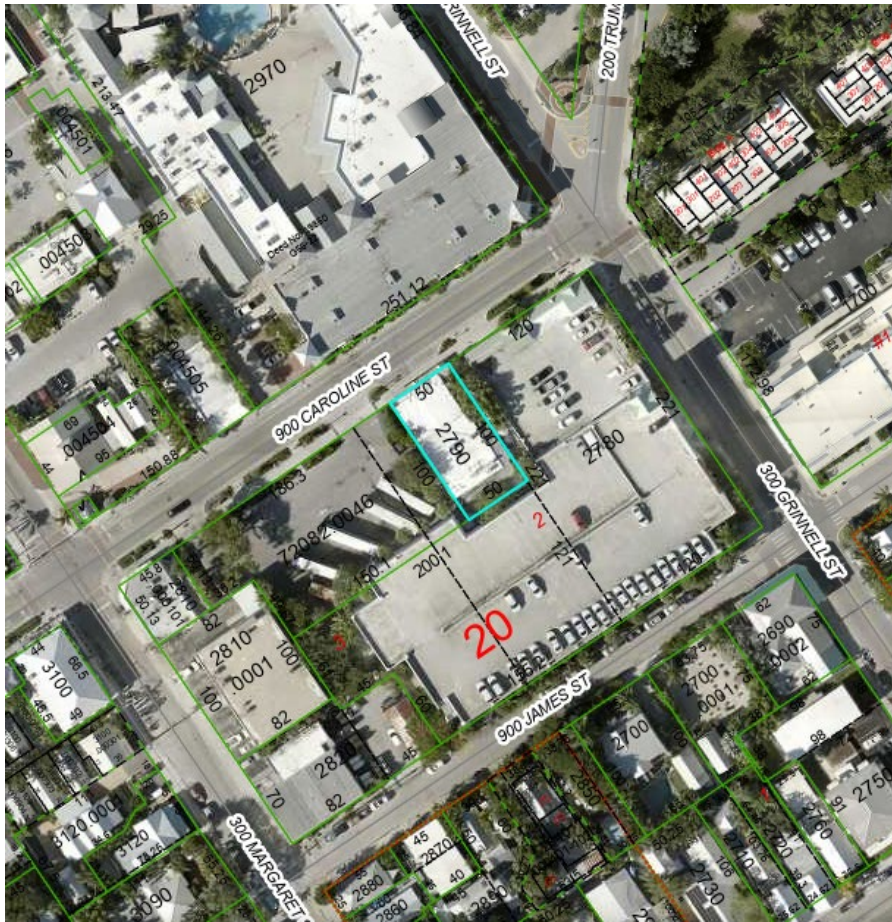
Request: This application proposes a minor development plan approval for the addition of 609 square feet (40 seats; 10 tables of 4) of outdoor restaurant consumption area, and an accompanying parking variance.

Applicant: Smith Hawks, PL

Property Owner: 920 Caroline ST LLC / Utility Board of City of Key West

Location: 920 Caroline Street (RE# 00002790-000000)

Zoning: Historical Residential Commercial Core (HRCC-2)



Background and Analysis

The property at 920 Caroline Street is located within the Key West Bight district. The property is currently occupied by the Square Grouper restaurant. The business's business tax receipt indicates that the restaurant is authorized for a seating capacity of 150 seats. The applicant reports that the restaurant currently only utilizes 100 seats.

The proposed scope of work is for the addition of 609 square feet of outdoor restaurant consumption area. This scope of work triggers a Minor Development Plan pursuant to Section 108-91 and shall require a landscape waiver approved by the Planning Board.

The proposed additional consumption area is located on the adjoining lot which is owned by the Utility Board of the City of Key West. An easement was granted by the Utility Board to the applicant for 1,250 square feet in 2024. A grant of easement agreement entered in November 2024 between the subject property owners and the adjacent property owners allows consumption area within the assessment area in section 3.a. of the document.

There is currently no commercial use in the proposed 609 square feet of consumption area.

The subject property is located in the Historic Commercial Pedestrian-Oriented Area, where parking must be provided when new nonresidential floor area (defined as the gross floor area of a specific use) is added, or when nonresidential floor area created after January 1, 1998 is converted to another use requiring more parking. The additional consumption area of 609 square feet is associated with an additional parking requirement for 14 spaces (one space per 45 square feet of consumption area). The parking requirement for the total proposed 2,058 square feet of consumption area is 48 parking spaces. The business currently has zero off-street parking spaces. The proposed consumption area, however, is located on a parcel that contains a paid parking lot operated by the City of Key West.

While the applicant requests additional floor area, the applicant is not requesting additional seating above what is currently authorized under the current business tax receipt, which is for a restaurant with 150 seats. Licensing records indicate that a business tax receipt for a restaurant with 157 seats was issued in 2000 and approved by the Planning Department. The parking requirement, however, is based on consumption area rather than the number of licensed seats.

Survey

Proposed Development

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

<u>Dimensional Requirement</u>	<u>Required/Allowed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Required?</u>
Max. Density	8 du/acre	N/A	N/A	N/A
Max. Floor Area Ratio	0.5 (3419 SF)	0.21 (1436 SF)	No Change	No
Max. Height	35'-0"	17'	No Change	No
Max. Building Coverage	50% (3419 SF)	64% (4377 SF)	No Change	No
Max. Impervious Surface	70% (41,833 SF)	67% (4581 SF)	No Change	No
Minimum Open Space Ratio	20% (11,952 SF)	13% (855 SF)	No Change	No
Minimum Front Setback	10'-0"	0'	No Change	No
Minimum Rear Setback	15'-0"	5'	No Change	No
Minimum Side Setback	7.5'	0'	No Change	No
Minimum Side Street setback	7.5'	N/A	N/A	No
Consumption Area or No. of seats	capacity 150 seats	1,449 SF - 100 seats	2,058 SF -140 seats	No

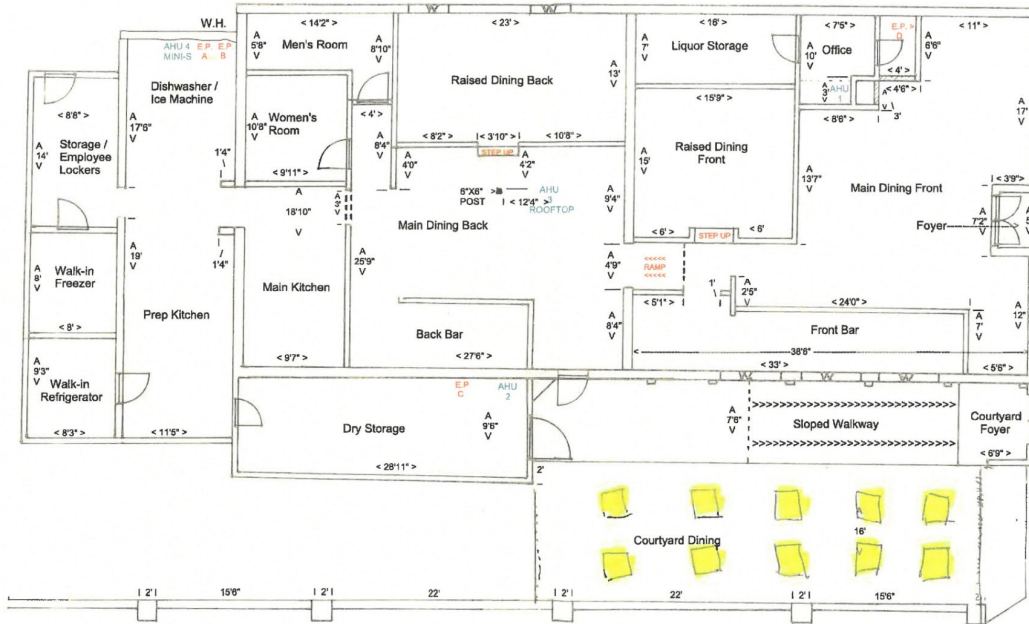
The parking data table for the development footprint is shown below:	Code	Required	Existing	Proposed	Variance Required?
Restaurants (existing 1,449 sq. ft. consumption area)	1 space per 45 square feet of serving and/or consumption area	32	0	0	
Restaurant (proposed new 609 sq. ft. outdoor consumption area)	1 space per 45 square feet of serving and/or consumption area	14	0	0	
Total		46	0	0	Yes

While the use requires 46 vehicle parking spaces, the restaurant operates with 0 parking spaces. The proposed scope of work would trigger a review of conformity with off street parking requirements. A companion variance application has been submitted, requesting waivers for the added parking deficiency.

Proposed Site Plan

SQUARE GROUPER KEY WEST RENOVATION

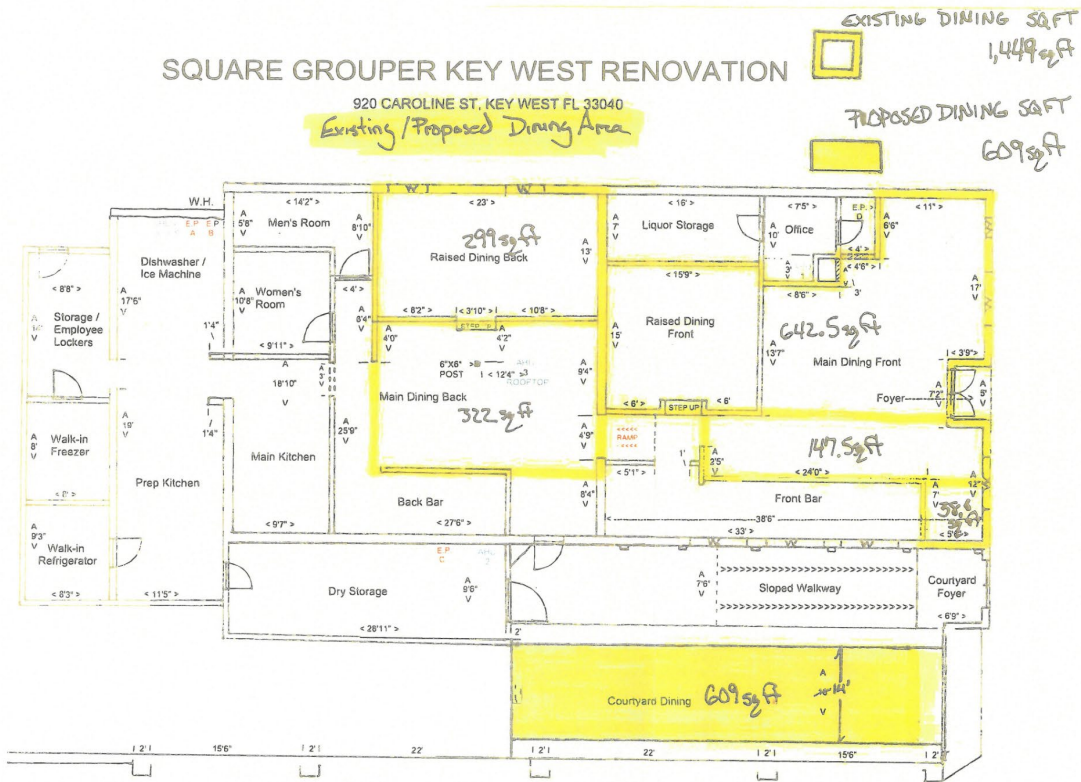
920 CAROLINE ST, KEY WEST FL 33040



Botsford Builders and Development LLC.
Drawn By: Frank Raymond 6/5/24

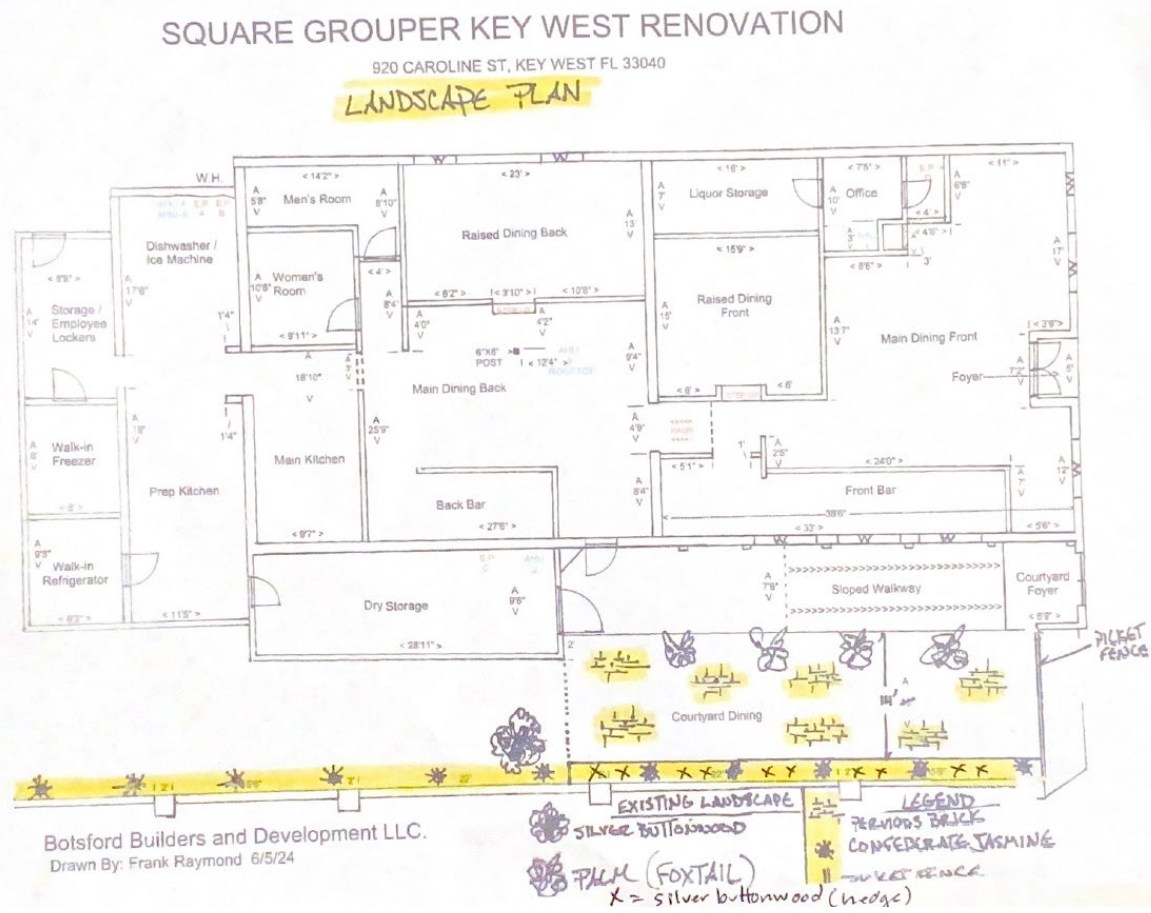
Dining Capacity - 150
Inside Dining - 100
Proposed outside dining - 10 tables / 40 seats

Existing and Proposed Dining Area



Botsford Builders and Development LLC.
Drawn By: Frank Raymond 6/5/24

Proposed Landscape Plan



Staff Analysis: Minor Development Plan

Surrounding Zoning and Uses:

Surrounding properties are located within the Historical Residential Commercial Core (HRCC-2) Key West Bight District.

Process:

Development Review Committee:	February 27, 2025
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	April 15, 2025
Planning Board Meeting:	May 29, 2025
HARC Commission Meeting:	TBD
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 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 significant increased demand on potable water is expected for the addition of 40 seats.	Yes.
Wastewater	No significant increased demand on wastewater is expected for the addition of 40 seats.	Yes.
Water quality	No changes to impervious surface.	Yes.
Stormwater	No changes to impervious surface.	Yes.
Solid Waste	Any increases to solid waste generation are not expected to exceed the capacity of solid waste infrastructure. .	Yes.
Recreation	No increase in recreation demand will result.	Yes.
Fire Protection	The additional seating complies with the maximum occupancy guidelines defined by the Fire Department.	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

Applicable development criteria are reviewed below:

CODE SECTION	COMMENTS	COMPLIES?
Article III: Site Plan		
Sec. 108-276 through 108-289	<ul style="list-style-type: none"> The proposed work does not impact site plan requirements 	N/A
Article IV: Traffic Impacts & Article VII: Off-Street Parking and Loading		
Sec. 108-573. - Special provisions within historic commercial pedestrian-oriented area.	<ul style="list-style-type: none"> The applicant requests a parking variance for the 46 required off-street parking spaces 	
Article V: Open Space, Screening & Buffers		
Sec. 108-346. - Open space, landscaping and removal of exotic vegetation.	<ul style="list-style-type: none"> No proposed changes to open space. 	N/A
Sec. 108-352. - Reducing landscape and/or bufferyard requirements.	<ul style="list-style-type: none"> A landscape waiver is required for the 30' required street frontage landscape buffer. 	Waiver required.
Article VI: Landscaping		
Sec. 108-411. - Landscape plan approval.	<ul style="list-style-type: none"> Conceptual landscape plan approval has been issued by the Tree Commission. 	Yes.
Sec. 108-413. - Requirements along street frontage.	<ul style="list-style-type: none"> The site requires a landscape strip along the frontage at least 30' in width, with at least 120 plant units per 100 linear feet. 	No. Waiver required.
Sec. 108-416. - Other landscape requirements for nonvehicular use areas.	<ul style="list-style-type: none"> The site requires 4 trees for every 2,000 sq. ft. of nonvehicular open space. 	No. Waiver required.
Sec. 108-481. - Specifications for plant materials.	<ul style="list-style-type: none"> If palms are used, they shall constitute no more than 25 percent of total tree requirements 	No. Waiver required.

Sec. 108-517. - Waivers or modifications.	<ul style="list-style-type: none"> 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.
Article VIII: Stormwater and Surface Water Management		
Sec. 108-777. - Water quality criteria. & Sec. 108-778. - Water quantity criteria.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> Applicant has sufficient access to potable water and wastewater disposal system. 	Yes.

Review Summary: Chapter 110 – Resource Protection

CODE SECTION	COMMENTS	COMPLIES?
Article VI: Tree Protection		
Sec. 110-366. - Protective barricades; performance bond.	<ul style="list-style-type: none"> The applicant shall provide protective barricading for trees on site before and during construction activities. 	N/A
Sec. 110-325. - Review and action by tree commission.	<ul style="list-style-type: none"> During the Tree Commission meeting, the applicant stated that the fee into the City Tree Fund would be paid for the application to move forward. The payment will be a condition of approval of this minor development plan request. 	Yes.

Staff Analysis: Variance Request

While the use requires 46 vehicle parking spaces, the restaurant operates with 0 parking spaces. The proposed scope of work would trigger additional parking requirements.

The subject variance application is requesting waivers for the preexisting parking deficiencies and the added parking deficiency.

Specific Conditions of Sec. 90-394 and Sec. 90-395:

Sec. 90-394:

- The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.
- COMPLIES

- No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
COMPLIES
- No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.
COMPLIES

Sec. 90-395:

Staff Analysis- Evaluation:

The criteria for evaluating a variance are listed in Sections 122-395 of the City of Key West Land Development Regulations. 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 conditions or circumstances which are peculiar to the land, structure or building involved which are not applicable to other land, structures, or buildings in the same zoning district. However, the applicant has noted that this property has operated with a restaurant for periods of time since at least 1995.

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.*

Special conditions and circumstances do not exist.

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.*

The granting of the variances requested will not confer any special privileges upon the Applicant but will rather align with the intent of the Key West Bight area with the addition of consumption area in a district encouraging pedestrian traffic and the reinforcement of the ambiance of the neighboring waterfront.

Granting of the variance will allow the applicant to create additional restaurant floor area without providing required parking, which would be required for other properties in the district.

However, staff notes that the applicant does not propose to increase the total number of restaurant seats that are already authorized under the existing business tax receipt, and the occupancy load of the proposed floor area would not likely allow for increased seating in the future. The property is also located in the Key West Bight area which has high pedestrian activity and nearby public parking lots and a garage.

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 the other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

Other properties in the same zoning district would be subject to the same requirements as the subject property.

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 proposed variance would be necessary to allow for the applicant to utilize all of the restaurant seats that are authorized under the existing business tax receipt, as the interior consumption area is not large enough to accommodate the total number of seats. However, the applicant could also make reasonable use of the land in question within the existing consumption area, as demonstrated by the fact that the restaurant was in operation previously and is currently in operation.

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.*

Staff does not find that the variance will be injurious to the public welfare. The property is located in a pedestrian-oriented area and flanked by two paid public parking lots.

IN COMPLIANCE

7. *Existing nonconforming uses of other property shall not be considered as 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.*

The nonconformities of other properties were not considered as a basis in staff's analysis.

IN COMPLIANCE

Per Section 90-395(b), the Planning Board shall make factual findings regarding the following:

1. *That the standards established by the City Code have been met by the applicant for a variance.*
2. *That the applicant has demonstrated "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 5/8/2025, no letters of objection have been received for this project.

Per Section 90-394:

- *The Planning Board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district. **IN COMPLIANCE.***
- *No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance. **IN COMPLIANCE.***

No such grounds were considered.

- *No variance shall be granted that increase or has the effect of the increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs. **IN COMPLIANCE.***

VARIANCE FINDINGS

The Planning Department finds that the applicant has not met all seven of the standards for considering variances as required by Section 90-305.

MINOR DEVELOPMENT PLAN 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 Minor Development Plan and Landscape Waiver be **APPROVED** with the conditions listed below.

General conditions:

1. The proposed development shall be consistent with the plans by Botsford Builders and Development, LLC, dated June 5, 2024, and the landscape plans by Botsford Builders and Development, LLC. dated June 5, 2024.
2. Final landscape plan approval is required from the Tree Commission or the Urban Forestry Manager prior to placement on the City Commission agenda.
3. The applicant shall pay into the City Tree Fund (\$200.00 per caliper inch - \$2,160.00 total) to resolve the open tree removal permit (T2024-0150) associated with the property.