

RESOLUTION NO. 2025-

A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A REQUEST FOR A MINOR DEVELOPMENT PLAN FOR REDEVELOPMENT OF TWO EXISTING VACANT LOTS TO CONSTRUCT A PLANT AND TREE NURSERY INCLUDING SALES ON A PROPERTY LOCATED WITHIN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT PURSUANT TO SECTIONS 108-91 AND 122-386 THROUGH 122-415 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, Section 108-91(B)(1)(c), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that outside the Historic District, a Minor Development Plan is required for the addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 1,000 to 4,999 square feet.; and

WHEREAS, the applicant proposes construction of 4,246 sq. ft. of outdoor commercial activity involving the sale of trees and plants at a vacant lot, and

WHEREAS, the subject property located at 1903 – 1905 Flagler Avenue (RE# 00045090-000000, RE# 00045110-000000) is in the Limited Commercial (CL) zoning district, and

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan;

WHEREAS, this matter came before and was recommended for approval with conditions by the Planning Board at a duly noticed public hearing on February 19, 2026; and

WHEREAS, the granting of the proposed Minor Development Plan is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting approval of the proposed Minor Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The request for a minor development plan approval for redevelopment of two existing vacant lots to construct a plant and tree nursery including sales on a property located within the Limited Commercial (CL) zoning district pursuant to Sections 108-91 and 122-386 through 122-415 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with 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.

Section 3. Full, complete and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Minor Development Plan application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

Section 6. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DOC can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 19th day of February, 2026.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Peter Batty, Planning Board Chairman

Date

Attest:

Taylor Brown, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date