



MEMORANDUM

Date: October 9, 2025

To: Honorable Mayor and Commissioners

Via: James Singelyn, Acting Planning Director

From: Stephanie de la Rosa, Stantec

Subject: **File 25-4100 - 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.

Introduction

This Major Development Plan application submitted for review and approval is for the reconstruction of a two-story mixed-use commercial and residential structure.

Background

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.

...

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.

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.

Analysis:

Staff determined the proposal is in compliance with the Major Development Review criteria listed under Section 108-91(B)(2). Planning staff and the Planning Board, as required by Chapter 108 of the City Code, reviewed the request for compliance with the Land Development Regulations and the Comprehensive Plan as detailed in the attached Planning Board staff report. The proposed major development plan was reviewed before the Planning Board on September 18, 2025, where they recommended approval through Resolution No. 2025-049. The project also received final landscape plan approval.

A full planning staff analysis is available in the Planning Board staff report.

Other Matters:

N/A

Options / Advantages / Disadvantages:

Option 1:

Approve the major development plan as recommended by the Planning Board through Resolution No. 2025-049.

Option 2:

Deny the major development plan.

Recommendation:

As per Planning Board Resolution No. 2025-049, the Planning Board recommended to the City Commission **Option 1** for the approval of the major development plan. Planning Department staff support Planning Board Resolution No. 2025-049 and also recommend approval.