

RESOLUTION NO. 2025-__

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING 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.

WHEREAS, the real property located at 1903 - 1905 Flagler Avenue and identified by RE# 00045090-000000 and RE# 00045110-000000 is in the Limited Commercial Zoning District (CL); and

WHEREAS, pursuant to Section 108-572 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) the minimum required parking for commercial retail uses is one space per 300 square feet of floor area; and

WHEREAS, the property is proposing nine (9) parking spaces of the required fourteen (14) for a deficit of five (5) spaces; and

WHEREAS, the applicant for 1903 - 1905 Flagler Avenue has submitted a variance request for the deficit of five (5) parking spaces; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on February 19, 2026; and

WHEREAS, the Key West Planning Board (the “Board”) finds that circumstances exist

which are peculiar to the land, structure, or building involved and that special conditions which are not applicable to other land, structures, or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board finds 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; and

WHEREAS, the Board finds that 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 are grounds for the issuance of the requested variances; and

WHEREAS, the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code of Ordinances;

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. 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. 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. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in its entirety within two years after the date hereof.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. 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 7. 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 will be rendered to the Florida Department of Commerce (DOC). Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not

effective for forty five (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 forty five (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 at a regularly scheduled meeting held this 19th day of February, 2026.

Authenticated by the Chair 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