

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Nicholas Perez-Alvarez, Stantec

Meeting Date: June 18, 2025

Agenda Item: **Variance – 3820 N Roosevelt Boulevard (RE# 00065530-000000)** – A request for a variance to hotel minimum parking requirements to allow for the replacement of existing parking spaces with pickle ball courts on property located within the General Commercial (CG) Zoning District pursuant to Sections 90-395 and 108-572 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request to remove 16 parking spaces at an existing hotel to accommodate new pickleball courts to serve as an accessory use to the hotel as an amenity exclusive to hotel guests.

Applicant: Smith Hawks, PL

Property Owner: KW 3820 Owner LLC

Location: 3820 N. Roosevelt Blvd, Key West, Florida
(RE# 00065530-000000)



Aerial of the Subject Property

Background:

The subject property, with a lot size of 133,481 sq. ft., is in the General Commercial (CG) Zoning District. The parcel contains an existing hotel that was originally constructed in 1971, with additional modifications and structures constructed between 2000 and 2017. According to the property card, this property last transferred ownership in October 2021.

This property has secured several City approvals, listed below:

- 2007: CC Resolution 07-164 (3820, 3824, 3850, & 3852 N. Roosevelt Blvd) approving a major development plan and conditional use for the construction of a 450 key hotel with spa, hotel restaurant and bar, 33 time share units, 21 residential units with 2 transient licenses each, 50-unit workforce housing and a conference center with 20,500 sq. ft. of meeting space, and 21,000 sq. ft. of retail space.
- 2013: CC Resolution 13-140 (3820, 3824, 3850, & 3852 N. Roosevelt Blvd) approving major modification to major development plan to include the renovation of 4 hotel properties as Phase 1 and the replacement of the Welcome Center and restaurant structures as Phase 2.

- 2016: PB Resolution 2016-56 (3820 & 3824 N. Roosevelt Blvd) approving a parking variance for bicycle substitution of parking spaces, increased compact spaces, and a variance to 5 vehicle parking spaces to allow for an overall increase of green space and landscaped areas.

The applicant is now requesting an additional parking variance to allow for the replacement of 18 parking spaces with 2 pickleball courts, landscaped areas, and 2 new parking spaces for a net reduction of 16 parking spaces. According to the applicant, the existing parking spaces are underutilized even when the hotel experiences full occupancy. Parking data captured by the hotel between January 1 and April 28, 2025, has been provided and reflects less than one-third of guests arriving in their own vehicle that needs to be parked. During this period, the highest number of parking spaces occupied according to the document was 66, or nearly 50% of the overall 133 parking spaces existing on-site.

The applicant provides that the proposed pickleball courts would be for the exclusive use of hotel guests as a hotel amenity. The pickleball courts would therefore be an accessory use to the hotel rather than an “active recreation” addition as indicated under [Section 108-91\(B\)](#) of the LDRs, which would trigger the need for development plan review in addition to the variance request. Given that the applicant has stated that the proposed courts would be reserved exclusively as an onsite amenity for hotel guests only, the courts would not be considered active recreation uses for the public.

The application was sent to Development Review Committee (DRC) members on April 24, 2025, and no comments or concerns were raised by DRC members.

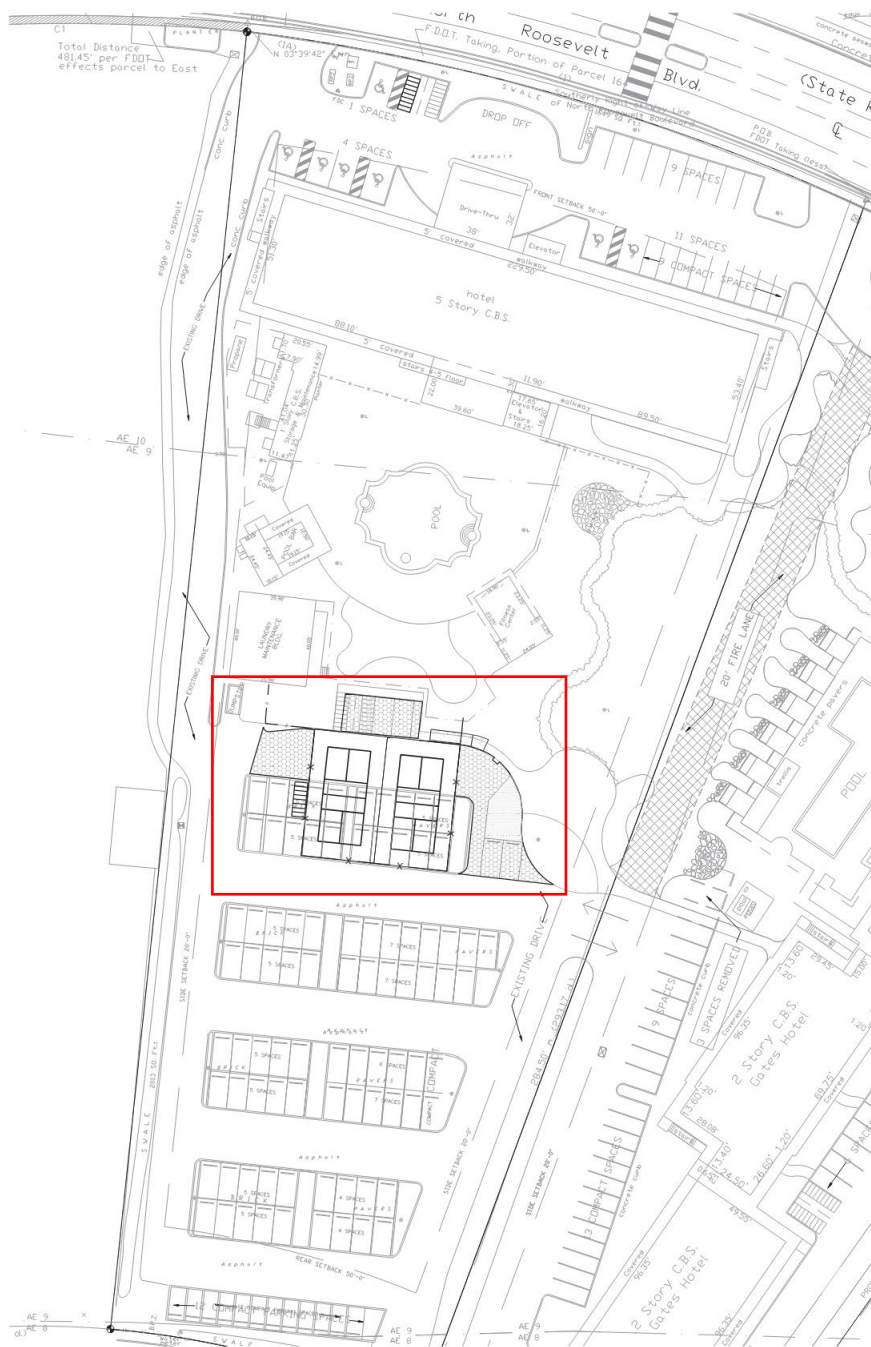
On April 20, 2025, the applicant received Tree Commission approval for the removal of the two impacted parking lot tree islands, with a required mitigation of 17.8 caliper inches, which the applicant has indicated are planned to be planted on site in the new proposed landscape area with 4 to 5 mature trees. The new proposed 345 sq. ft. landscape area would offset the amount of landscaping impacted by the proposed removal of the two parking lot islands.

The parking data reflecting the request is shown below:

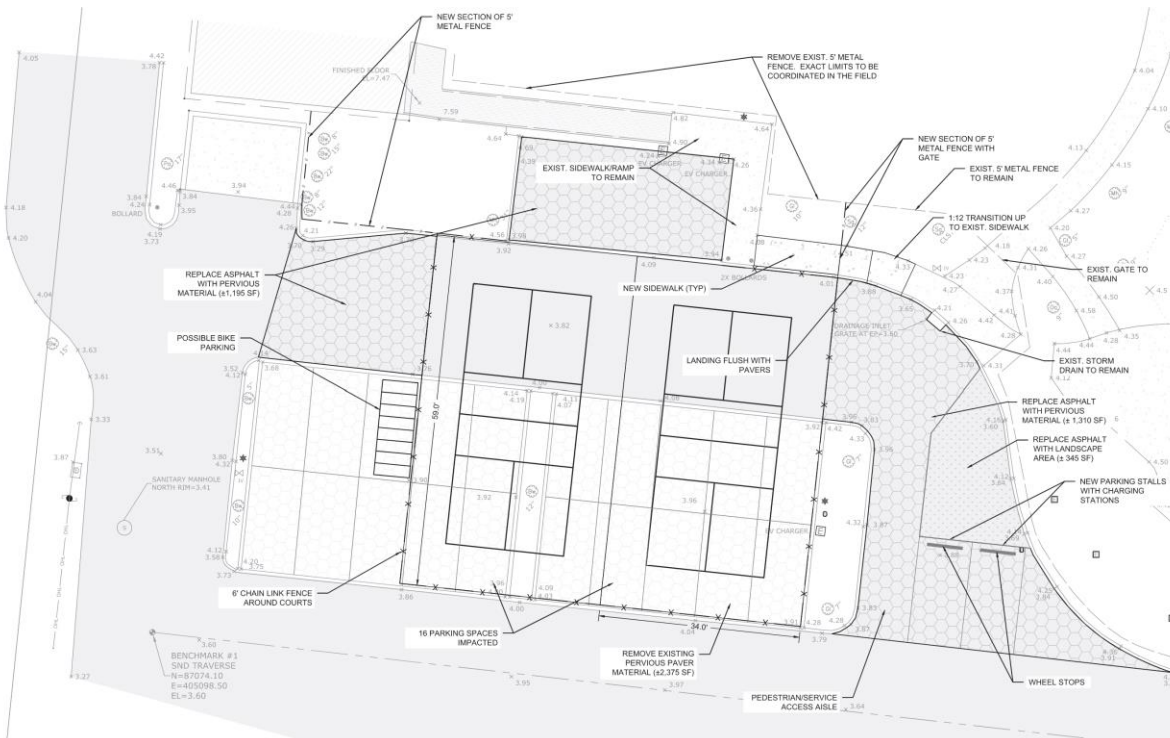
	Required	Existing	Proposed	Variance Required?
Hotel, 2016 variance approval	146 vehicle spaces	155 vehicle spaces	133 vehicle spaces 36 bicycle spaces (141 equivalent parking spaces)	Yes, approved under Res. 2016-56
Hotel, 2025 request	133 vehicle spaces (per Res. 2016-56)	133 vehicle spaces; 82 bike/scooter spaces	117 vehicle spaces; 82 bike/scooter existing spaces to remain	Yes, 16 spaces

A parking variance is required for a deficiency of 16 spaces from the 2016 parking variance approval.

Proposed Site Plan – Overall



Proposed Site Plan – Scope of Work



Staff Analysis - Evaluation:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. 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 existing special conditions which are peculiar to the land and structure involved, which are not applicable to other land, structures, or buildings in the same zoning district. The applicant's request to replace existing parking spaces with a new hotel amenity does not represent an underlying special condition peculiar to this property.

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.*

According to the parking data provided by the applicant, the amount of parking existing on the property far exceeds the demand for parking by hotel guests, most likely due to a significant amount of guests arriving by shuttle or rideshare and this is not a condition

directly created by the applicant. However, the request to construct a new pickleball court amenity with reduction of parking on-site by 16 spaces is a condition created by the applicant.

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.*

Granting the variance requested will confer upon the applicant special privileges denied by the Land Development Regulations to other lands, buildings, or structures in the same zoning district.

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

Staff does not find hardship conditions to exist on the subject property that would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. However, staff acknowledges that the existing parking requirement on the property does appear to yield a significant amount of underutilized impermeable asphalt.

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 variance requested is the minimum variance required for the proposed construction of two pickleball courts but not the minimum needed to make possible reasonable use of the land. However, the new landscaped area proposed offsets the amount of landscaping being removed at the two parking lot islands.

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.*

The variance requested is not directly injurious to the public welfare. According to the parking data provided, where 67 parking spaces were left empty at the time of highest parking demand between January and April 2025, the removal of 16 spaces is not

anticipated to cause adverse parking impacts to surrounding areas. The proposed pickleball courts may create additional noise while in use; however, the proposed courts would be located approximately 200-feet from the nearest residential properties.

IN COMPLIANCE

7. *Existing nonconforming uses of other property not 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.*

No other nonconforming uses of the other properties have been considered in staff's analysis.

IN COMPLIANCE

The Planning Board shall make factual findings regarding the following:

That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

That the applicant has demonstrated a "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.

FINDINGS:

Staff finds that the standards established by Section 90-395 of the City Code **have not been met** in full by the applicant.

Should the Planning Board approve this variance request, staff recommends the following conditions:

1. The proposed construction shall be consistent with the conceptual site plan prepared by Perez Engineering & Development, Inc. dated May 1, 2025.
2. The pickleball courts shall be for the exclusive use of hotel guests and shall not operate as an active recreation facility open to the general public that generates additional parking demand. Access shall be limited through gated entry and/or signage.
3. Consistent with Tree Commission approval, a mitigation of minimum 17.8 caliper inches with at least 4 mature trees shall be planted within the new proposed landscape area indicated on the site plan prior to closeout of building permits and operation of the pickleball courts.
4. The hours of construction shall follow City Code.
5. 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 unless the required right-of-way permit is obtained.