

**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING 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.**

**WHEREAS**, the owner of real property at 3820 N Roosevelt Boulevard (RE# 00065530-000000) proposes the replacement of 16 parking spaces with pickleball courts; and

**WHEREAS**, Section 108-572(7) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that minimum required off-street parking for hotels, motels and transient lodging facilities is 1 space per lodging unit plus 1 space for the owner or manager; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on July 17, 2025; 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,

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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 (the "Code") of the City of Key West, Florida (the "City") and likewise met the requirements established by Code Section 90-274; and

**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.** An approval by Resolution of the Key West Planning Board to allow for a

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parking variance to 16 vehicle spaces on property located at 3820 N Roosevelt Boulevard (RE# 00065530-000000) in the General Commercial (CG) zoning district, pursuant to Section 90-395 and 108-572(7) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

**General 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.

**Section 3.** 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 4.** 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

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appeal period has expired, this permit or development order will 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 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 on first reading at a regular meeting held this 18<sup>th</sup> day of June, 2025.

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

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Peter Batty, Planning Board Chairman

Date

**Attest:**

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Katie Halloran, Planning Director

Date

**Filed with the Clerk:**

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Keri O'Brien, City Clerk

Date

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