

RESOLUTION NO. 2025-__

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING A REQUEST FOR A VARIANCE TO MINIMUM PARKING REQUIREMENTS TO ALLOW FOR THE EXPANSION OF A FOOD SERVICE ESTABLISHMENT ON PROPERTY LOCATED WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 108-572, AND 108-575 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the owner of real property at 1605 N Roosevelt Boulevard (RE# 00023280-000100) requests a variance to minimum parking requirements to allow for the expansion of a food service establishment; and

WHEREAS, Section 108-572 and 108-575 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provide that the minimum parking requirement for restaurant is 1 parking space per 45 sq. ft. of consumption area and the proposed expanded consumption area is 2,144 sq. ft., thus requiring a minimum of 48 parking spaces for the restaurant; the parking requirement for all businesses and tenant spaces operating at the shopping strip is 75 spaces; and

WHEREAS, the proposed parking space minimum is 17 parking spots; 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 (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 for variances to the off street parking requirements for the property at 1605 N Roosevelt Boulevard (RE# 00023280-000100) in the General Commercial (CG) zoning district, pursuant to Section 90-395, 108-572 and 108-575 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

General Conditions:

1. Consumption area shall be consistent with the floorplan prepared by Lakewood Engineering, dated March 28, 2025.
2. The applicant shall work with the building owner and/or other tenants to screen the solid waste dumpsters from view, pursuant to City of Key West Land Development Regulations, Sec. 108-279.
3. The applicant shall work with the building owner to comply with any future parking lot reconfiguration as required by FDOT in consideration of the 2023 FDOT Pedestrian Safety Study.
4. Minimum 6 new bicycle parking spaces shall be installed within the property in accordance with the design, lighting, and security criteria of Section 108-643.
5. All prior conditions associated with Resolution No. 2023-021 shall be deemed null and void as a part of this resolution.

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 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 17th day of July, 2025.

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

Peter Batty, Planning Board Chairman

Date

Attest:

Katie Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date