

THE CITY OF KEY WEST

PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

From: Taylor Brown, Planning Director

Meeting Date: June 18th, 2026

Agenda Item: **Minor Development Plan and Conditional Use – 1 Whitehead Street (RE#00072082-001900)** - A request for a Minor Development Plan and Conditional Use to allow improvements associated with an existing cultural and civic use (aquarium), including the construction of approximately 1,200 square feet of over-water decking and a wave attenuator system over submerged lands, at property located at 1 Whitehead Street within the Historic Public and Semipublic (HPS) zoning district, pursuant to Sections 108-91 and 122-62 of the Code of Ordinances of the City of Key West, Florida.

Request: This application proposes a minor development plan to add 1,232 square feet of new overwater decking in the rear of the aquarium over a current submerged lands lease. The existing aquarium use is an established cultural and civic activity within the HPS zoning district and is subject to Conditional Use approval pursuant to Section 122-958.

Applicant: The Key West Aquarium – Michelle Cates, Clinton Curry

Property Owner: The City of Key West

Location: 1 Whitehead Street (RE#00072082-001900)

Zoning: Historic Public Services (HPS) / Conservation-Outstanding Waters of the State (C-OW)



Background and Analysis

The subject property, located at 1 Whitehead Street (RE#00072082-001900), is improved with an existing aquarium that has been in operation since 1935. The property is situated primarily within the Historic Public Services (HPS) zoning district, with the proposed addition spanning submerged land within the adjacent Conservation-Outstanding Waters (C-OW) zoning district. The project consists of an extension of the aquarium’s existing over-water exhibit area through the addition of decking and a wave attenuation system.

Section 122-126 (b) describes development in a Conservation district. Specifically, “*No development shall be permitted within the conservation district and/or within waters below mean high water, wetlands, upland habitats or yellow heart hammocks unless the applicant for such development provides proof of permits or proof of exemptions from all applicable state or federal agencies having jurisdiction.*” The applicant has submitted state approvals from the FDEP and the Army Corps of Engineers, as well as a coral relocation plan and a benthic survey.

The proposed addition consists of approximately 1,232 square feet of outdoor over-water decking, which falls within the threshold for Minor Development Plan review pursuant to Section 108-91(b).

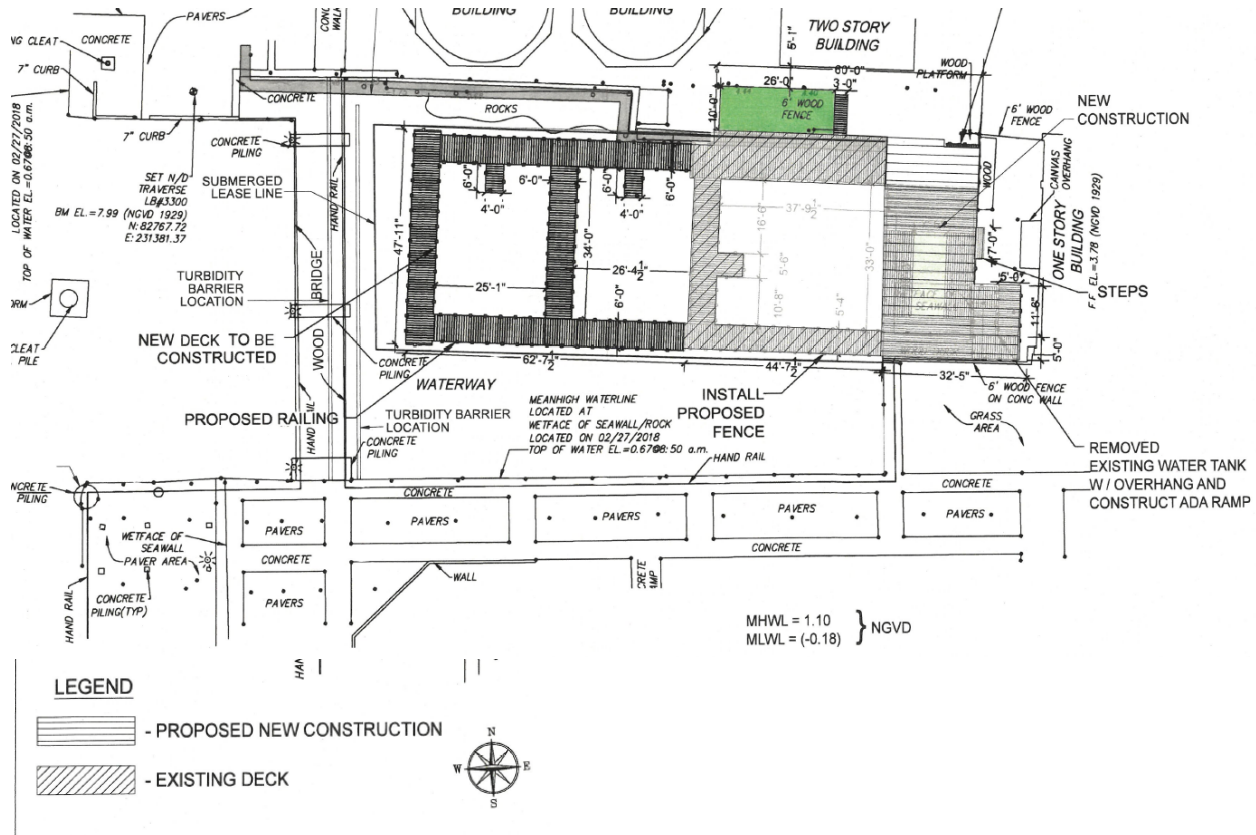
The proposed addition will provide additional space for guests to view two new exhibits including species that naturally call the harbor waters their home. The project will also include

the addition of 27 wave attenuators that will help reduce the energy and height of incoming waves, creating calmer water for the exhibits, animals, guests, and the new decking.

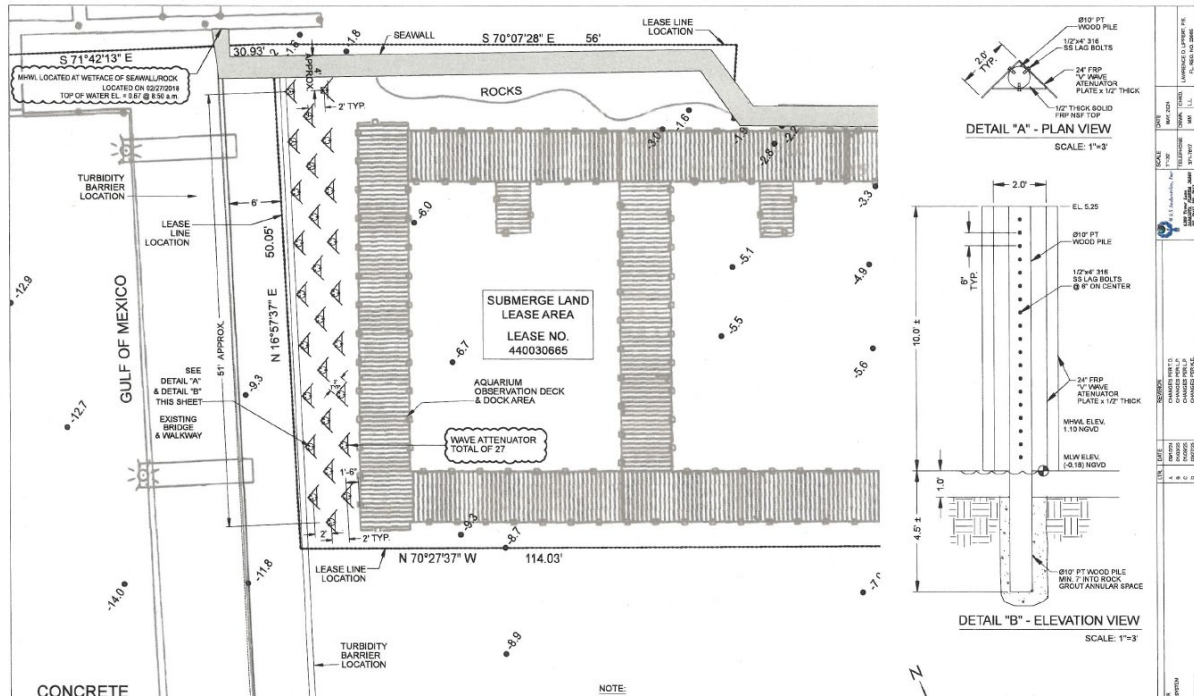
The application for a minor development plan also includes a companion conditional use application, pursuant to Section 122-958, 'cultural and civic activities' are a conditional use in the HPS zoning district.

Proposed Development:

Proposed Detailed Additional deck including existing deck on the right.



Proposed Wave Attenuator System Plan, submitted by applicant.



Surrounding Zoning and Uses:

- North: HPS Mallory Square
- East: HRCC-1 Commercial uses
- South: HPRD Commercial uses
- West: C-OW Outstanding Waters

Process:

Development Review Committee:	April 23, 2026
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	None required due to limited scope of landscaping work
Planning Board Meeting:	May 21, 2026
HARC	TBD
Tree Commission Meeting (Final landscape plan approval):	TBD
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Landscaping (Code Chapter 108, Article VI)

The Urban Forester has confirmed that this project does not trigger the need to go in front of the Tree Commission, any landscaping and buffers that are nonconforming will be kept and maintained. The scope of work is over open waters and not affecting landscaped areas.

Concurrency Facilities and Other Utilities or Services (City Code Section 108-233)

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. Staff determined that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. Staff finds that the project meets the adopted level of service standards pursuant to Sec. 108-233

The proposed improvements are not anticipated to significantly increase the number of daily visitors, but rather to enhance the experience of existing patrons. The additional decking is intended to extend the stay of current guests at the aquarium to allow for additional exhibits to keep guests entertained longer during their stay. The number of anticipated guests per day is not expected to change. There is no additional water needed as the exhibits are over current open harbor waters.

Comprehensive Plan Consistency

The Historic Public Services (HPS) zoning district is intended to accommodate governmental, religious, and institutional uses that serve the broader community while maintaining compatibility with surrounding historic neighborhoods. The Key West Aquarium, in operation since 1935, is an established cultural and civic use within the district. The proposed improvements support the continued operation and enhancement of this use and are consistent with the intent of the HPS zoning district.

Conditional Use Criteria

Scale and Intensity: The applicant does not expect the scale or intensity of the proposed use to exceed current conditions. FAR, Traffic, square feet of enclosed building, proposed employment, proposed number of service vehicles, and off-street parking needs are not expected to change or need to change with additional decking.

On or off site improvement needs generated by the proposed condition use: No improvements other than the decking and the wave attenuators are expected to be needed, no other structures, utilities or roadway improvements are proposed or needed to accommodate the addition.

On-site amenities proposed to enhance site and planned improvements: the decking is proposed over submerged lands making it difficult to accommodate any landscaping, or buffers. Fortunately, the use is not expected to cause adverse noise, odor, or noxious impacts.

Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following: Land use compatibility, sufficient site size, propose use of mitigative techniques, compliance with applicable laws and ordinances, and additional criteria applicable to specific land uses.

The proposed aquarium deck expansion satisfies the criteria for conditional use approval as a cultural and civic activity by demonstrating compatibility with surrounding marine-oriented and public uses, while maintaining a modest scale and intensity that will not adversely impact adjacent properties or navigation.

The addition of 1,232 square feet of overwater decking over an existing submerged lands lease represents a minor enhancement supported by sufficient site capacity, appropriate access, and existing infrastructure. The project has been carefully designed to incorporate effective mitigative techniques, as evidenced by the completed benthic survey and regulatory approvals from the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers, ensuring protection of marine resources and avoidance of adverse environmental impacts.

Finally, the project demonstrates full compliance with all relevant federal, state, and local requirements, reinforcing its role as a low-impact, community-serving amenity that supports public education, conservation, and waterfront activation while safeguarding public health, safety, and welfare.

RECOMMENDATION

As per Sec. 108-94. - Review by staff. - “Each application for development plan approval shall be reviewed by the city planner and transmitted to the development review committee and other staff as may be designated by the city planner based upon the type of development proposed. The city planner shall review each application for compliance with land development regulations.” And Section 122-63 – Review; enforcement. (Conditional uses)

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for a Minor Development Plan and Conditional Use be **APPROVED** with the conditions listed below.

General conditions:

1. The proposed development shall be consistent with the plans dated April 9, 2026 by Lawrence D Lippert, PE.
2. The development must follow all applicable mitigative techniques laid out by state and federal agencies to ensure protection of existing living coral in the submerged lands lease area.
3. No expansion beyond the approved decking and wave attenuation system shall occur without further review and approval.