

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members

Through: James Singelyn, Acting Planning Director

From: Nicholas Perez-Alvarez, Stantec

Meeting Date: September 18, 2025

Agenda Item: **Minor Development Plan, Conditional Use – 701 Palm Avenue (RE# 00001761-000000)** – A request for a minor development plan to construct a two-story commercial structure and a request for conditional use approval to allow for redevelopment of a marina with the construction of dry storage racks, located in the Public and Semipublic Services (PS) zoning district, pursuant to Section 108-91, Chapter 122, Article III and Article IV, Division 13 of the Land Development Regulations of the City of Key West, Florida.

Variance – 701 Palm Avenue (RE# 00001761-000000) – A request for a variance to minimum parking requirements, to allow 5 proposed spaces in lieu of the 52 required spaces; to allow for redevelopment of a marina located within the Public and Semipublic Services (PS) zoning district; pursuant to section 90-395 and Article VII, Sec. 108-572 of the Code of Ordinances of the City of Key West, Florida.

Request: This application proposes a minor development plan with conditional use approval for redevelopment of the City-owned marina, known as Spencer's Boatyard, consisting of metal pre-fabricated building replacement and installation of dry-storage racks. A companion parking variance is also requested.

Applicant: Richard McChesney and Spottswood, Spottswood, Spottswood & Sterling

Property Owner: City of Key West

Location: 701 Palm Avenue (RE# 00001761-000000)

Zoning: Public and Semipublic Services (PS) zoning district



Background and Analysis

The property at 701 Palm Avenue, known as Spencer's Boatyard, is a City-owned marina within Garrison Bight, leased by the City to the operator. The marina currently contains the following elements:

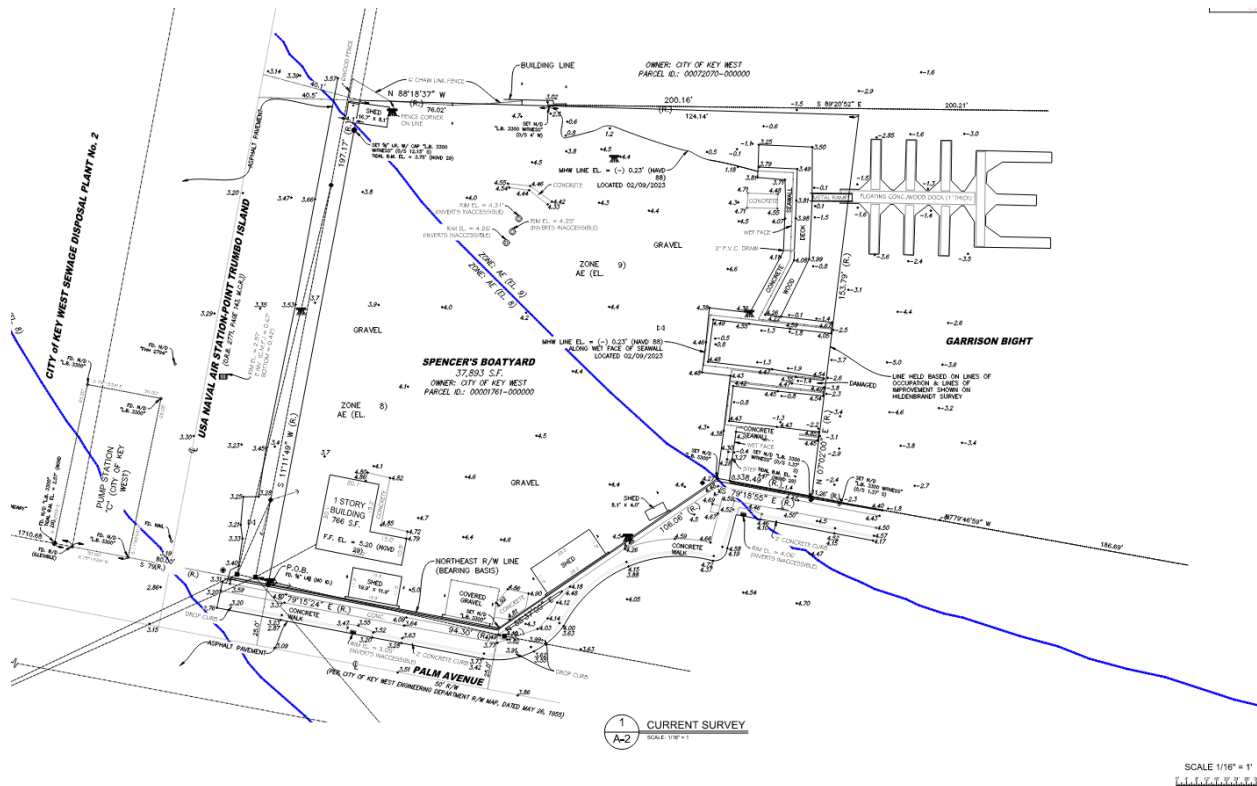
- 766 sq. ft. one-story building, including 500 sq. ft. of licensed retail
- Approximately 22,292 sq. ft. of boat repair commercial service
- Four shed structures, ranging in size from 134 sq. ft. to 337 sq. ft.
- 12 wet slips

The applicant proposes demolition of the existing structures on the site to redevelop the marina with the following components:

- New 1,440 gross sq. ft. 2-story pre-fabricated metal building to house commercial retail and boat repair commercial service
- Two new three-level dry storage rack structures with a combined capacity of up to 42 boats
- Approximately 8,267 sq. ft. of continued outdoor boat repair commercial service
- Five new off-street parking spaces
- 12 existing wet slips to remain

Per Section 108-91 of the LDRs, outside the Historic District, minor development plan approval is required for the addition or reconstruction of 1,000 to 4,999 square feet of gross floor area and is triggered by the proposed new 1,440 sq. ft. building. Conditional use approval is required, as marinas are a conditional use in the PS zoning district. As noted in the parking table below, the proposed configuration, with the five new off-street parking spaces meets the parking needs of the new building and the parking deficiency is improved from what is existing. However, a parking deficiency remains due to the parking requirement of the proposed new dry storage rack structures and therefore, a parking variance is required.

Survey



Proposed Development

The site data table for the proposed development is shown below.

Dimensional Requirements		Required		Existing		Proposed	
Max. Density		N/A		N/A		N/A	
Max. FAR		0.8	30,386.40	0.05	1,899.15	0.18	6,928.20
Max. Height		25'		not specified; one-story		Bldg: 23'-8" Storage rack A: 23'-8" Storage rack B: 24'-6"	
Max. bldg coverage		40%	15,193.20	5%	1,899.15	3%	1,139.49
Max. ISR		60%	22,789.80	7%	2,658.81	33%	12,534.39
Open Space		20%	7,596.60	72%	27,347.76	45%	17,092.35
Principal structures	Front setback	20'		17'-4"		20'-3"	
	Rear setback	20' or 15' when abutting an alley		approx. 142'		approx. 132'	
	Side Setback	15'		approx. 68'		approx. 62'	
	Side street setback	15'		16'-2"		22'-3"	
Active/passive rec. uses	Front setback	10'		N/A		84'-8"	
	Rear setback	10'		N/A		15'	
	Side Setback	10'		N/A		approx. 58'	
	Side street setback	10'		N/A		23'-7"	

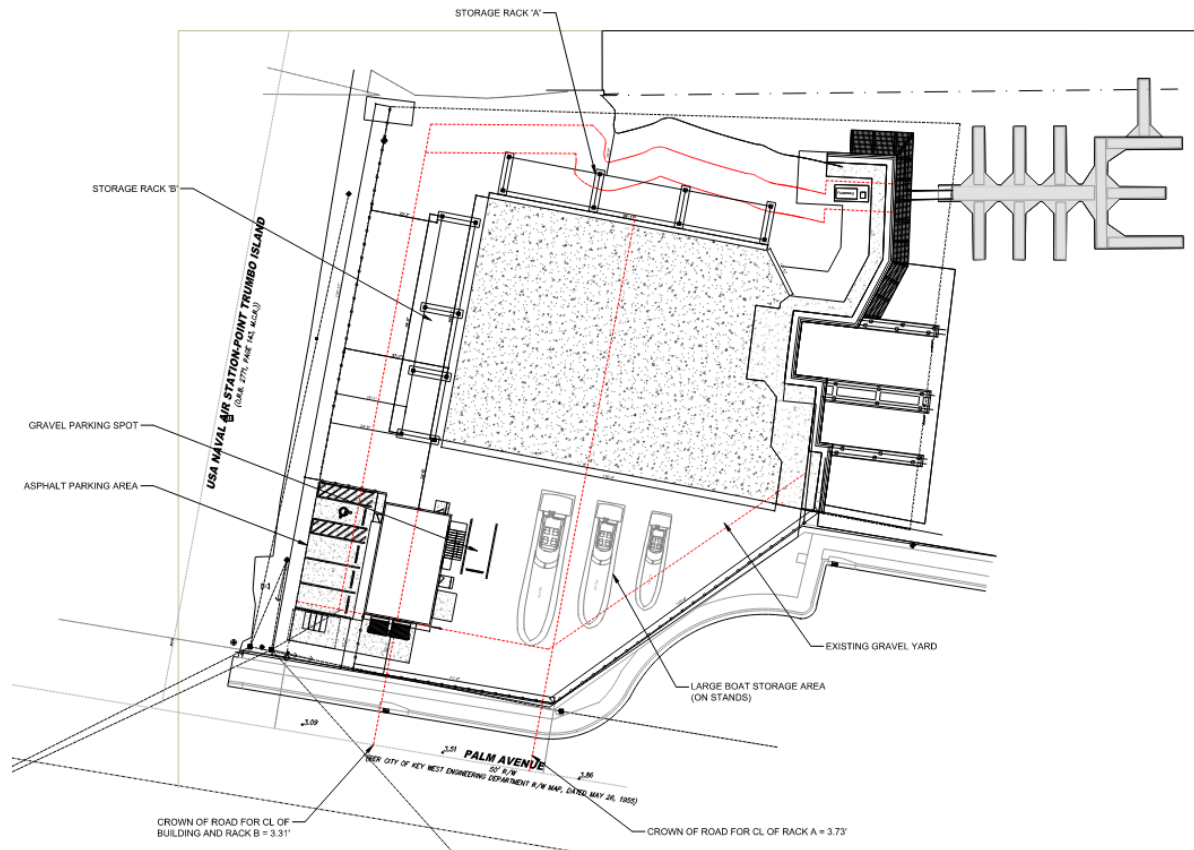
The parking data table for the development footprint is shown below:

		Requirement	Number	Req Spaces	Provided Spaces
Existing	Wet Slips	1 space per liveaboard boat, plus 1 space per 4 pleasure boats stored on site, plus 1 space per 3 passengers based on the total capacity of commercially licensed vessels.	12 wet slips 2 commercial boats with total 18 passenger capacity	9	
	Boat Repair Commercial Service	1/300 sq ft	22,292 sq. ft.	74.3	
	Commercial Retail within building	1/300 sq ft	500 sq. ft.	1.7	
	Total			85	0
Proposed	Wet Slips	1 space per liveaboard boat, plus 1 space per 4 pleasure boats stored on site, plus 1 space per 3 passengers based on the total capacity of commercially licensed vessels.	12 wet slips 2 commercial boats with total 18 passenger capacity	9	
	Boat Repair Commercial Service (outdoor)	1/300 sq ft	8,267 sq. ft.	27.6	
	Commercial Retail	1/300 sq ft	480 sq. ft.	1.6	
	Office Space	1/300 sq ft	480 sq. ft.	1.6	
	Boat Repair Commercial Service (indoor)	1/300 sq ft	480 sq. ft.	1.6	
	Dry Racks	1 space per 4 pleasure boats stored on site	42 dry rack spots	10.5	
	Total			52	5

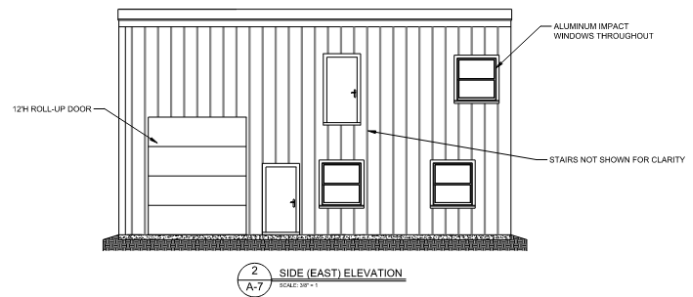
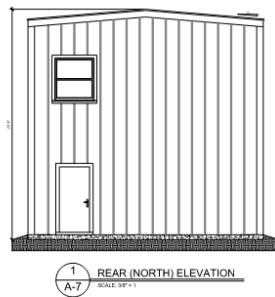
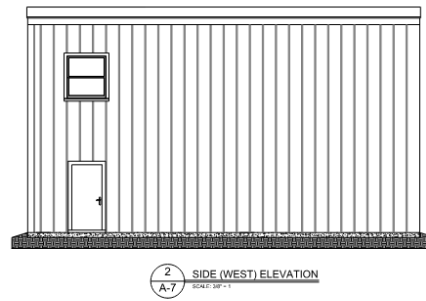
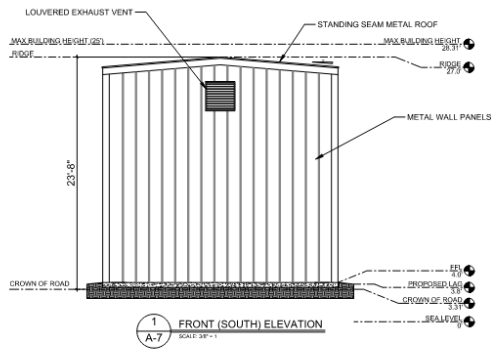
As shown above, the combined existing uses require 85 parking spaces where none are exist on-site. With the proposed configuration, the parking deficiency is reduced to 52 spaces, and the five new off-street parking spaces would meet the full parking requirements of the

new 1,440 sq. ft. building. Approximately 50 on-street spaces would remain available near the property. The proposed parking deficiency resulting from the new dry storage racks triggers the need for a companion parking variance approval.

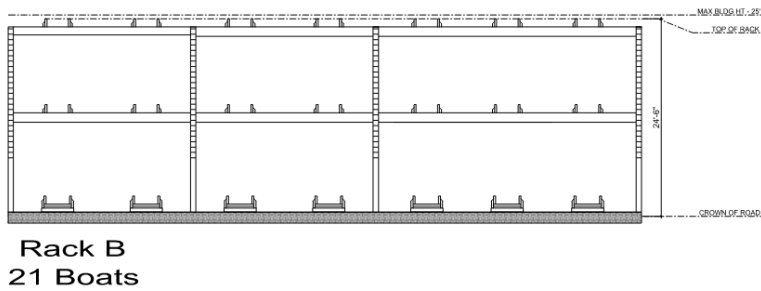
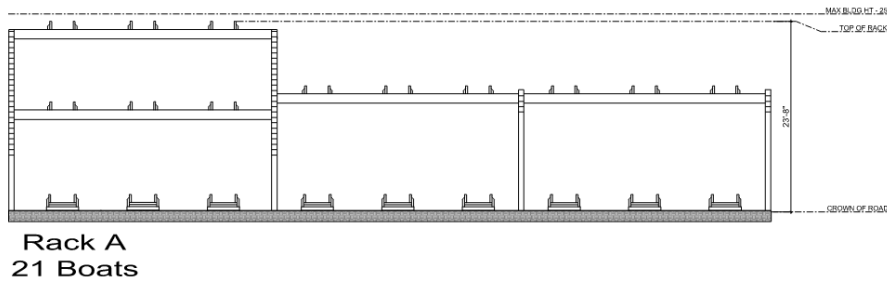
Proposed Site Plan



Proposed new building elevations

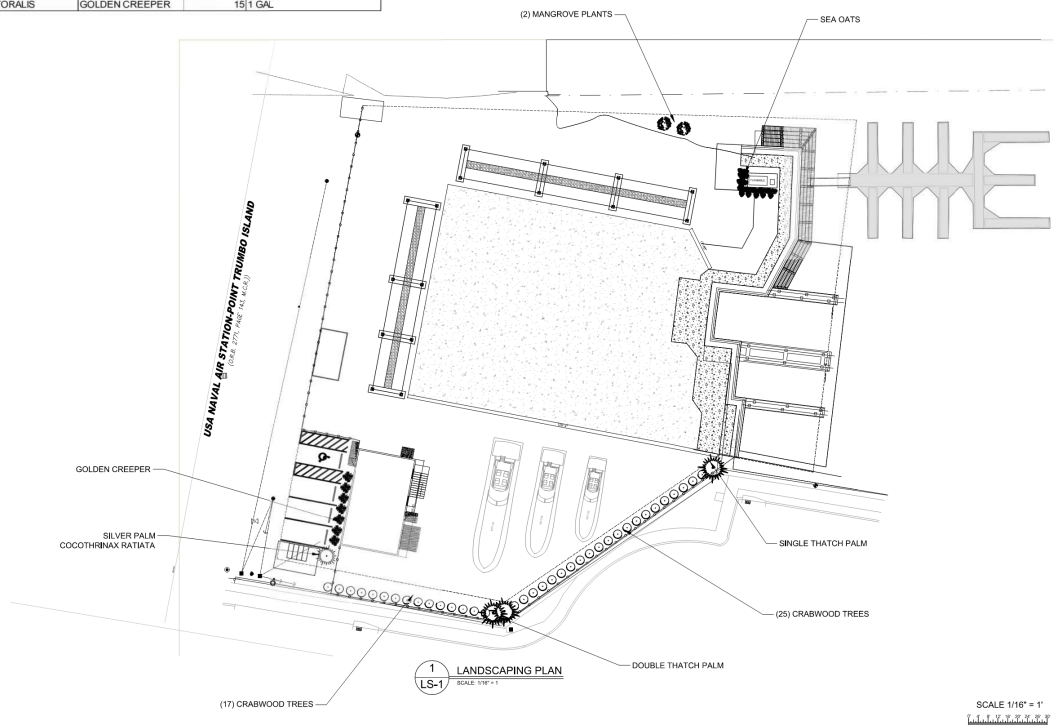


Proposed new dry storage racks



Proposed Landscape Plan

PLANT LIST				
CATEGORY	SCIENTIFIC NAME	COMMON NAME	QTY	SPECIFICATION
TREES & PALMS	GYMNANTHES LUCIDA	CRABWOOD	42	25 GAL
	THRIANAX RADIATA	THATCH PALMS	2	(1) SINGLE AND (1) DOUBLE
	COCOTHRINAX ARGENTATA	SILVER PALM	1	TBD
ACCENTS & SHRUBS	UNIO LA PANICULATA	SEA OATS	10	2 GAL
	RHOZOPHORA MANGLE	MANGROVES	2	25 GAL
GROUNDCOVERS	ERINODEA LITTORALIS	GOLDEN CREEPER	15	1 GAL



Staff Analysis: Minor Development Plan

Surrounding Zoning and Uses:

Surrounding properties are located within the Public and Semipublic Services (PS) zoning district.

Process:

Development Review Committee:	August 28, 2025
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	September 16, 2025
Planning Board Meeting:	September 18, 2025
Tree Commission Meeting (Final landscape plan approval):	TBD
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Concurrency Analysis

Code Section 108-233 and Comprehensive Plan Objective 9-1.5 require the City to conduct concurrency reviews to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. Facilities subject to concurrency reviews are listed below, along with staff's evaluation are listed below:

FACILITIES/SERVICES	COMMENTS	COMPLIES?
Potable water	No significant increased demand on potable water is expected.	Yes.
Wastewater	No significant increased demand on wastewater is expected.	Yes.
Water quality	Impervious surface is being increased by approximately 10,000 sq. ft. but is still well below the maximum 23,000 sq. ft. permitted in this zoning district. Construction best management practices should be observed.	Yes.
Stormwater	Impervious surface is being increased by approximately 10,000 sq. ft. but is still well below the maximum 23,000 sq. ft. permitted in this zoning district. The Utilities Department has indicated the following: <ul style="list-style-type: none">• Replacement of the outfall pipe will be necessary prior to construction, because access and replacement after construction of the concrete pad will not be possible. Location and depth of the outfall pipe shall be determined prior to	Yes.

	<p>construction of the concrete pad and may be the responsibility of the applicant.</p> <ul style="list-style-type: none"> • Outfall pipe may conflict with the exfiltration trench beneath the north rack. <p>The applicant should continue coordinating with the Utilities Department in resolving the above issues prior to issuance of a building permit.</p>	
Solid Waste	No significant increase in solid waste demand is expected.	Yes.
Roadways	No increase in vehicular trip generation is expected.	Yes.
Recreation	No increase in recreation demand will result.	Yes.
Fire Protection	Project reviewed by Fire Department. No comments provided.	Yes.
Reclaimed Water	N/A	N/A
Other public facilities	N/A	N/A

Conclusion: Staff reviewed the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards.

Chapter 108 Development Review Summary

CODE SECTION	COMMENTS	COMPLIES?
Article III: Site Plan		
Sec. 108-279. - Location and screening of mechanical equipment, utility hardware and waste storage areas.	Screened solid waste area is provided	Yes
Sec. 108-289. - Land clearing, excavation or fill.	Applicant shall coordinate any dewatering activities with the Utilities Department. Spoil materials and effluent are prohibited from entering the storm drain or discharging into tidal waters.	Yes
Sec. 108-286. - Pedestrian sidewalks.	N/A	N/A
Article IV: Traffic Impacts		
Sec. 108-317. - Internal circulation system design and access/egress considerations. / Sec. 108-318. - Separation of	The continuous sidewalk along Palm Avenue is proposed to remain unaltered, as the curbcut entry would remain along the side street.	Yes.

vehicles, bicycles and pedestrians.		
Article V: Open Space, Screening & Buffers		
Sec. 108-346. - Open space, landscaping and removal of exotic vegetation.	The applicant proposes landscaping improvements along the southern lot line and a portion of the building perimeter where none exists currently and the proposed configuration still meets open space requirements, as most of the site is proposed to remain as gravel.	Yes.
Sec. 108-352. - Reducing landscape and/or bufferyard requirements.	A landscape waiver is required for the 30' required street frontage landscape buffer.	Waiver required.
Article VI: Landscaping		
Sec. 108-411. - Landscape plan approval.	The conceptual landscape plan will be reviewed and voted upon by the Tree Commission on September 16, 2025.	Pending as of the date this report was written.
Sec. 108-413. - Requirements along street frontage.	The site requires a landscape strip along the frontage at least 30' in width, with at least 120 plant units per 100 linear feet.	No. Waiver required.
Sec. 108-416. - Other landscape requirements for nonvehicular use areas.	The site requires 4 trees for every 2,000 sq. ft. of nonvehicular open space.	No. Waiver required.
Sec. 108-452. - Required sight distances for landscaping adjacent to public rights-of-way and points of access.	N/A	N/A
Sec. 108-481. - Specifications for plant materials.	If palms are used, they shall constitute no more than 25 percent of total tree requirements	Yes.
Sec. 108-517. - Waivers or modifications.	Per Section 108-517, the Planning Board may waive or modify the standards of Chapter 108 Article VI upon a finding that the modification meets the criteria outlined in Section 108-517. Staff has reviewed the application and found it consistent with these criteria.	Yes.
Article VII: Off-Street Parking and Loading		
Sec. 108-571	Per Section 108-571, parking shall be provided at the time any building or structure is erected, which triggers parking requirements for this project. Additionally, Section 106-122 provides that the construction of any	Subject to approval of parking variance.

	building or structure shall comply with all performance standards in the Code, including parking standards.	
Article VIII: Stormwater and Surface Water Management		
Sec. 108-777. - Water quality criteria. & Sec. 108-778. - Water quantity criteria.	The applicant shall comply with all stormwater and surface water management criteria of the Code of Ordinances.	Yes
Article IX: Utilities		
Sec. 108-956. - Potable water and wastewater.	Applicant has sufficient access to potable water and wastewater disposal system.	Yes.

Review Summary: Chapter 110 – Resource Protection

CODE SECTION	COMMENTS	COMPLIES?
Article IV: Coastal Resources		
Sec. 110-181. - Coastal shoreline impact. & Sec. 110-182. - Shoreline vegetation and stability.	The applicant has obtained approval from the Tree Commission for the removal of approximately 240 square feet of mangroves, to be replaced with 39 caliper inches in that location and in accordance with the landscape plan as presented to the Assistant Urban Forestry Manager.	Yes.
Article VI: Tree Protection		
Sec. 110-366. - Protective barricades; performance bond.	The applicant shall provide protective barricading for trees on site before and during construction activities.	N/A
Sec. 110-325. - Review and action by tree commission.	The conceptual landscape plan will be reviewed and voted upon by the Tree Commission on September 16, 2025.	Pending as of the date this report was written.

Staff Analysis: Variance Request

While the proposed combined uses require 52 vehicle parking spaces, a total of five off-street spaces are proposed.

The subject variance application is requesting waivers for the parking deficiency, although staff acknowledges the proposed configuration reduces the required parking on the site by 38 spaces.

Specific Conditions of Sec. 90-394 and Sec. 90-395:

Sec. 90-394:

- The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

COMPLIES

- No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

COMPLIES

- No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

COMPLIES

Sec. 90-395:

The criteria for evaluating a variance are listed in Section 90-395 of the City of Key West Land Development Regulations. 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 special circumstances which exist that 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.

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.*

Garrison Bight remains a historic working waterfront with conditions and spatial circumstances unique to the area not resulting from the action or negligence of the applicant. The subject property has been operating as a marina in this location for several decades and there is no evidence of historical on-site parking. The existing lack of parking is not a result of conditions created by the applicant. However, the proposed redevelopment of the site at the request of the applicant triggers the application of parking requirements.

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.*

All properties in the same zoning district are required to provide parking whenever a building or structure is erected. While five new spaces are proposed where none exist currently, granting of the variance would allow the subject property to redevelop with a parking deficiency due to the required parking associated with the new dry storage racks.

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

While staff acknowledges the significant improvement in parking deficiency with the proposed configuration, and literal application of the LDRs may result in unnecessary or undue hardship, it does not deprive the applicant of rights commonly enjoyed by other properties in the district.

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 applicant has made efforts to improve the parking deficiency on site with the consolidation of boat storage space and the addition of five new parking spaces. This is the minimum variance needed to allow for the improvement of operations at this marina.

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.*

Overall, the proposed development plan would reduce existing nonconformities and result in site improvements that are in the public interest.

IN COMPLIANCE

7. *Existing nonconforming uses of other property shall not be considered as 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.*

The nonconformities of other properties were not considered as a basis in staff's analysis.

IN COMPLIANCE

VARIANCE REQUEST FINDINGS

The Planning Department finds that the request has met all of the standards of Section 90-394; however, has not met all of the standards for considering variances as required by Section 90-395.

MINOR DEVELOPMENT PLAN RECOMMENDATION

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 Minor Development Plan with conditional use be **APPROVED** with the conditions listed below.

General conditions:

1. The proposed development shall be consistent with the plans by Lakewood Engineering, signed June 31, 2025, and the landscape plans by Lakewood Engineering signed June 31, 2025.
2. Final landscape plan approval is required from the Tree Commission or the Urban Forestry Manager prior to building permit.
3. Stormwater management plan approval by the Utilities Department required prior to issuance of a building permit.