AMERICAN LEISURE PROPERTIES

September 22, 2025

Patrick Wright, Director of Growth Management
City of Key West
1300 White Street
Key West, FL 33040

RE: Zoning Verification Letter
2407 N. Roosevelt Blvd., Happy Landings Marina and previously referred to as Walker's Marina
RE: 00002280-000100

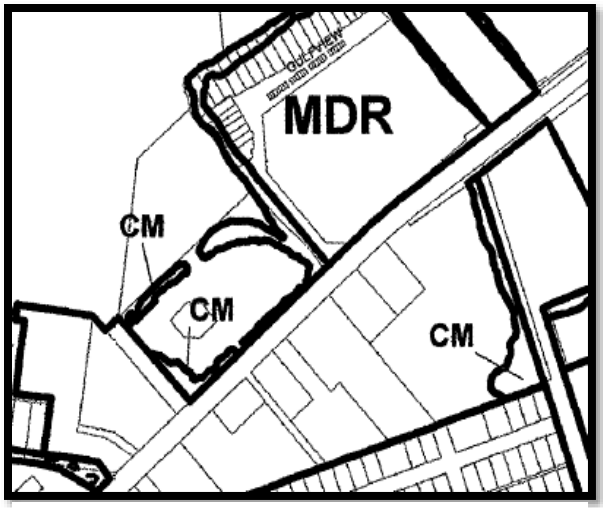
Dear Mr. Wright,

As an authorized agent of 2407 N Roosevelt, LLC, we are requesting a zoning verification letter for the property located at 2407 N Roosevelt Blvd, Happy Landings Marina (the "Property"). The Property includes a 37,825-square-foot upland parcel containing a commercial building and parking areas, plus approximately four acres of adjoining tidal waters (the "basin") bordered by mangroves.

In May 2022, we obtained a zoning verification letter from the Planning Department identifying the zoning for the Property as Conservation and stating that there are two non-transient residential units associated with the Property.[1] However, our investigation indicates that the zoning designation is incorrect for the upland portion of the Property, and the number of residential units referenced is inconsistent with prior communication from the City of Key West. Specifically:

1. The zoning classification for the upland area has been mistakenly omitted from the Official Zoning Map ("OZM"; Map 1) without any notice
2. Neither the current Future Land Use Map ("FLUM"; Map 2) nor the City's GIS mapping (Map 3) correctly depict this zoning, nor do they accurately show the boundary between the upland area and the mangrove fringe
3. The physical conditions on the upland portion – long since fully developed – are at a complete variance with those shown on the maps
4. A 1995 letter from Acting City Attorney Diane Tolbert Covan confirms that three residential units are allotted to the Property[2]

[1] Exhibit A, Zoning Verification Letter, March 17, 2022
[2] Exhibit B, Letter from City Attorney, City Records, October 2, 1995



Map 1 - OZM

Map 2 - FLUM

Map 3 – GIS

This apparent scrivener's error stands in stark contravention to both the long-documented commercial designation and use of the upland portion of the Property (described below), as well as the physical features of the site. Indeed, the upland portion of the Property is the only such commercially (or residentially or militarily) developed land in the City that is devoid of mangroves (or any features that meet the definition of "mangrove" or "mangrove stand" or "conservation mangrove," as those terms are defined in the city's Code of Ordinances), yet characterized as such by the Planning Department.[3]

This oversight has led to a misinterpretation of the Property's land use classification from 2004, the date of the OZM adoption, to present and we respectfully seek its rectification as Commercial General (GC), in line with internal Planning Department correspondence.

[3] Although the Planning Department has represented that the zoning for this Property is Conservation, internal emails reflect that Planning staff believe the most logical zoning designation for the upland portion of the Property is General Commercial. See Exhibit C.

For context, adjacent zoning districts include General Commercial (CG) and Conservation, including Conservation Mangrove (CM) and Conservation – Outstanding Waters of the State (C-OW). The conservation districts are intended for mangroves and state waters and are inappropriate designations for the upland portion.[4] We commissioned the preparation of a habitat map to assess the current site conditions at the Property by Terramar Environmental Services, Inc. (Biologist: Philip Frank), which clearly depicts and qualifies the disturbed uplands portion of the Property, the mangroves, and submerged lands.[5]

We also identified a discrepancy concerning the number of residential units associated with the Property. The zoning verification letter obtained in May 2022 states that there are two non-transient residential units, while the 1995 letter from Acting City Attorney Diane Tolbert Covan, referenced above, confirms that there are three residential units allotted to the Property. This inconsistency raises questions about which count is legally operative under City records and approvals. Accordingly, to clarify the matter, we request that the Planning Department provide official, written confirmation of the number of residential units currently and legally associated with the Property and specify whether that number is two or three.

Lastly, in several face-to-face conversations with former Planning Department staff members Katie Halloran and Jordan Mannix, it has been suggested that the Property's 2014 approved use classification was "dockage," rather than a "Marina" as defined in the City Code of Ordinances. However, our review of the City Code reveals that "dockage" does not appear as a use classification in any zoning district, nor is it defined in Section 86-9 (Definition of Terms). Accordingly, we respectfully request written confirmation that the Property is, under Section 86-9 of the City Code of Ordinances, approved and designated as a Marina as that term is defined in the Code.

Background

Since the 2014 approval of a marina (docks with 75 slips), the Property has been misinterpreted by the city's Planning Department as being Conservation. We believe this misinterpretation is rooted in a conflation between the basin and the Property as a whole. When the marina development was first presented to the city for approval, the only proposed development was located in the basin, within outstanding waters of the state; therefore, it is understandable that the zoning stated for that application was C-OW. The OZM available to staff at that time is the same map used today and did not provide additional zoning information for the remainder of the Property. From this point on, it appears from various planning staff reports and correspondence that the land use classification for the upland was not questioned or researched by staff.

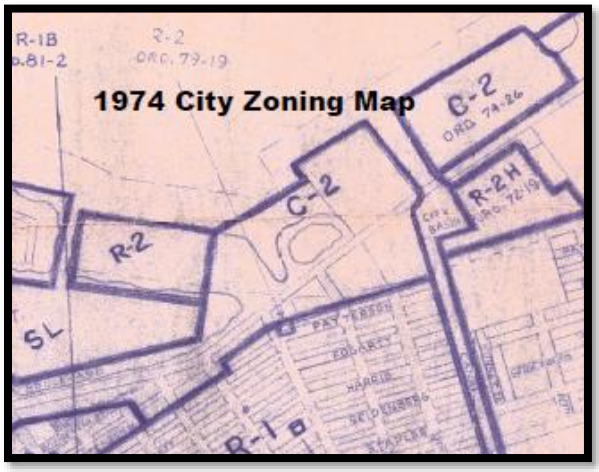
History

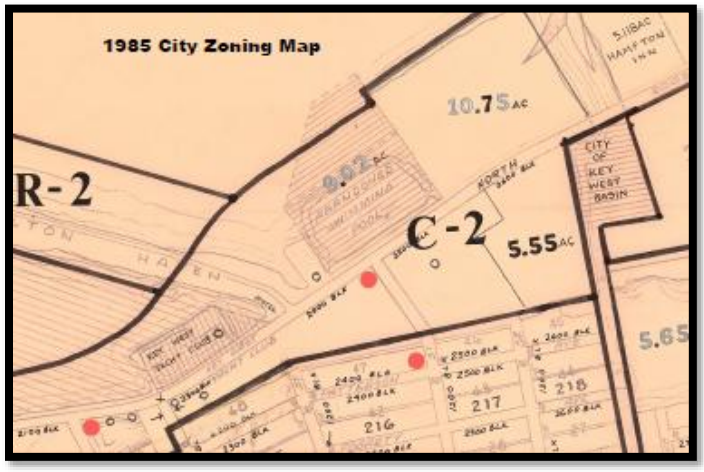
The City was granted ownership of the Property in 1945. The Basin was created through historic dredge and fill activities and originally used as a borrow pit in the development of Key West. In the 1940's, it served as a public swimming hole for the community. The City leased the Property in the 1970's providing the use as an aquarium housed in an Aqua Dome on a 4,000 sq. ft. barge. After the aquarium failed, the Property was leased to Flipper's Sea School which continued on the Property throughout the 1980's.

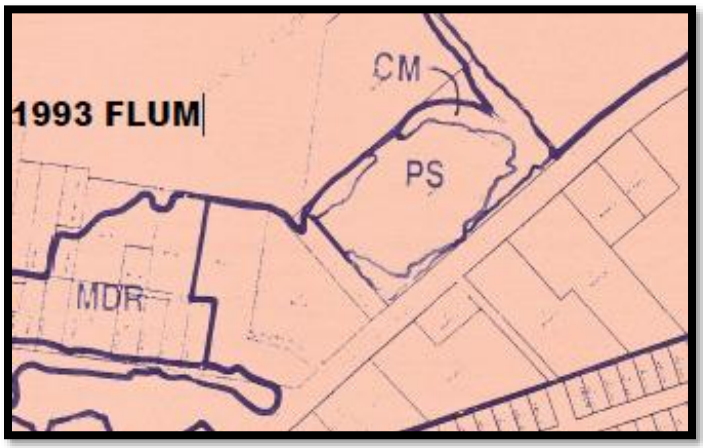
[4] Exhibit D, Comprehensive Plan Sec. 2-5.1
[5] Exhibit E, HLM Habitat Map

Subsequent uses on the site were a 205-seat restaurant[6], a 99-seat comedy club/bar[7], and three (3) residential units[8]. These were all permitted uses within the original commercial (C-2) zoning.

The C-2 zoning classification continued through the 1980's and most of the 1990's. It did not change until the city's zoning map was revised in 1993 and a Public and Semipublic Services District (PS) designation shows up on the basin portion of the Property. This reflected the city's ownership of the Property.







In August of 1995, the City of Key West sold the Property to Richard Walker who, in an agreement with the City at the time of purchase, was provided the right to use the Property for commercial purposes and for up to three residential apartments[9]. Correspondence at the time lists the Property as PS/CG zoning.[10]

When the 2004 zoning map was adopted, the areas of vegetation/mangrove are again clearly marked "CM", and the "PS" zoning designation was removed from the map. This stands to reason, due to the ownership change from a public entity, that the mapping omission occurred at this time.

[6] Exhibit F, Letter to City Attorney, City Records, October 6, 1995
[7] Exhibit F, Letter to City Attorney, City Records, October 6, 1995
[8] Exhibit F, Letter to City Attorney, City Records, October 6, 1995
[9] Exhibit B, Letter from City Attorney, City Records, October 2, 1995
[10] Exhibit G, Letter to City Attorney, City Records, September 28, 1995

We note the continued misinterpretation is at variance with the conditions on the ground and irreconcilable with the definitions related to mangroves or conservation areas set forth in the Code of Ordinances. We ask that the City provide an updated zoning verification letter to confirm the commercial zoning for this Property based on the history of the real property and its current use and development, which according to City records, has been documented through to the present day. Furthermore, we request that the City confirm the number of residential units associated with the Property, and that the Property is in fact a Marina, as defined in Section 86-9 of the City Code, consistent with both its approval and current operations.

If you have any questions or concerns, please contact me at 954-610-0185.

Sincerely,

Daniel Robles