

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Jordan Mannix-Lachner, Planner II

**Meeting Date:** August 15, 2024

**Application:** **Variance – 711 Eisenhower Drive (RE# 00023130-000000 & RE# 00072070-000000)** – A request for a variance to minimum parking standards to allow for the redevelopment of a marina, providing for zero off-street parking spaces in lieu of the 240 spaces required at property located in the General Commercial and Public and Semi-Public Services zoning districts, pursuant to Sections 90-395 and 108-572 of the Land Development Regulations of the City of Key West, Florida.

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**Request:** A request for a parking variance to allow for the redevelopment of Garrison Bight marina. The applicant proposes to provide zero off-street parking spaces and requests a parking variance of 240 spaces.

**Applicant:** AJ Davila, Smith Hawks, P.L.

**Property Owner:** Garrison Bight Marina SMI, LLC & City of Key West

**Location:** 711 Eisenhower Drive

**Zoning:** General Commercial & Public and Semi-Public Services



## Background:

Garrison Bight Marina is an existing legally nonconforming marina located at 711 Eisenhower Drive in the General Commercial, Conservation, and Public and Semi-Public Services zoning districts. The marina has existed as far back as the 1960s although the exact date of establishment and original development approvals are unknown. The marina is a full-service marina offering fuel, bait, and a service shop and parts dealership. The marina has a license for 225 dry slips and 17 wet slips. The site also includes a restaurant.

The site offers no on-site parking. Visitors currently utilize the nearby public parking along the Palm Avenue causeway, which also serves the City Marina at Garrison Bight.

The applicant has submitted an application for development plan approval to allow for the redevelopment of the marina, including:

- Demolition of existing nonconforming boat racks, boat barn, and outbuildings
- Installation of new boat racks
- Landscaping improvements
- Stormwater management improvements
- Maintenance dredging
- Seawall repair
- New restroom

The development plan will also result in the repair/replacement of a City stormwater pipe that spans the applicant's property and is designed to serve the stormwater infrastructure along the Eisenhower right-of-way. The pipe is currently failing, and the outfall is clogged with silt. As part of the redevelopment of the site, the applicant will repair/replace the pipe, and accumulated silt will be removed. The applicant has also agreed to provide an easement for future maintenance and repair.

The development plan application triggers the need for the subject parking variance. 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 building or structure shall comply with all performance standards in the Code, including parking standards.

The parking requirement for marinas depends on 1) the number recreational vessels on site, (one space per four boats); and 2) the licensed capacity of commercial/charter vessels (one space per three passengers). Therefore, parking requirements are not based simply on the number of slips but also on the type of vessel that occupies each slip.

Currently, the required parking for the marina use is 132 vehicle spaces:

- 53 spaces required for 209 slips rented to recreational owners
- 79 spaces for 33 commercial vessels with a total licensed capacity of 235 (including 32 6-passenger vessels and one 49-passenger vessel.)

An additional 95 spaces are required for the existing restaurant and two dwelling units. Fifty-seven bicycle spaces are required.

As part of the development plan, the applicant proposes to reduce the total number of slips by 24, for a total of 218 slips. Depending on the spread of recreational versus commercial slip leases, the parking

requirements for this number of slips would vary.

### Request

The applicant is requesting a parking variance for 240 vehicle spaces and the associated 60 required bicycle spaces. Based on the proposed development plan, this would allow for 145 vehicle spaces for the marina use in addition to 93 for the existing restaurant and 2 for residential use.

The applicant leases slips to both recreational and commercial vessels. Demand for recreational versus commercial slips fluctuates over time. Instead of proposing a fixed number of recreational slips and fixed capacity of commercial vessels, the applicant is requesting a variance for a fixed number of spaces. This would allow for flux in the number of recreational slips and the licensed capacity of charter vessels, provided that the parking requirement doesn't increase beyond what is approved by the subject variance.

The applicant is requesting 240 spaces because it reflects a rough average of 80% of slips rented recreationally, and 20% of slips rented to commercial six-passenger vessels. While this is consistent with existing lease patterns, it would also allow, for example, 72 commercial vessel slips and no recreational vessels.

The table below indicates the Code-required parking for the proposed use, the existing parking, the proposed parking, and the variance request.

USE:	CODE REQUIRED	EXISTING	PROPOSED	VARIANCE REQUEST
<b>Restaurant:</b>	93 - car 24 - bicycle	0 - car 0 - bicycle	0 - car 0 - bicycle	93 - car 24 - bicycle
<b>Dwelling Units:</b>	2 - car 0 - bicycle	0 - car 0 - bicycle	0 - car 0 - bicycle	2 - car 0 - bicycle
<b>Licensed Capacity of Charter Vessels:</b>	Depends on future slip lease patterns	0 - car 0 - bicycle	0 - car 0 - bicycle	145 - car 36 - bicycle
<b>Number of Recreational Vessels:</b>	– minimum of 55, more required for commercial vessels	0 - car 0 - bicycle	0 - car 0 - bicycle	
<b>Total:</b>	<b>150+ car 36+ bicycle</b>	<b>0 - car 0 - bicycle</b>	<b>0 - car 0 - bicycle</b>	<b>240 - car 60 - bicycle</b>

### Process:

Planning Board Meeting:	August 15, 2024
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

**Staff Evaluation:**

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. 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.*

The subject property has been operating as a marina in this location for more than 60 years and there is no evidence of historical on-site parking. The current property owner purchased the property in 2022. 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. Granting of the variance would allow the subject property to redevelop with new buildings or structures without providing parking.

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

Other properties in the same zoning district would also be required to meet minimum parking requirements when erecting a new building or structure.

However, literal and complete application of parking requirements may result in unnecessary and undue hardship on the applicant. A rough estimate of the area that would remain for marina services after providing the required parking spaces, drive aisles, and open space for the existing uses is approximately 10% (or 7,700 sq. ft.). If the number of marina slips were reduced by half and limited to recreational use, roughly 17%, or 13,000 sq. ft. is a rough estimate of the area that would remain for marina services.

The adjacent public parking area, while well-utilized, is rarely at full capacity, based on Google Earth images between 2017 and the present. Additionally, the applicant provided data from the software system utilized by the marina to schedule boat launches. It indicates that there was a total of 77 boat launches over a five-day period from July 21, 2024 until July 25, 2024. This amounts to an average of 15.4 boat launches a day. This time period includes the two-day “mini lobster season” which is known locally as some of the busiest boating days of the year.

This suggests that utilizing a majority of the subject site to provide 240 parking spaces may present an unnecessary hardship, in the sense that it’s unlikely the parking would be fully utilized. However, providing at least a portion of the required parking would likely allow the property owner to continue operating a marina without inducing unnecessary or undue hardship.

While 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 variance requested is not the minimum variance that will make possible the reasonable use of the land, building or structure. At 77,055 square feet, the property could likely accommodate a portion of the required parking without reducing the slip capacity beyond what is currently proposed. Additionally, lower intensity uses, a reduction in slips, or a reduction in the number of slips rented commercially, could still make reasonable use of the land.

**NOT 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.*

The Code provides minimum parking standards in furtherance of the public welfare. Granting of the parking variance would not be in harmony with the general intent of the LDRs that require the application of parking standards for the erection of new buildings and structures. Additionally, permitting the marina to redevelop with no on-site parking would result in continued burden on the adjacent public parking area that serves the City Marina.

However, it is worth noting that approval of the subject variance would allow for the approval of the proposed development plan, which will result in several improvements that benefit the immediate area and further public interests:

- Replacement/repair of a failing City stormwater outfall pipe that serves stormwater infrastructure along Eisenhower Drive and spans the private property.
- A new onsite stormwater system will reduce the quantity and pollutant load of stormwater that is discharged directly into outstanding waters.
- Open space will increase, and impervious surface and building coverage will decrease.

- Landscape improvements will bring the site close to compliance with landscape requirements and will improve the general appearance of the property.

That said, all of these improvements could be undertaken without a parking variance. However, it's unlikely that a private property owner would invest in these site improvements if they were not also able to make improvements to the marina infrastructure itself without significantly reducing the capacity of the marina.

Overall, the proposed development plan would reduce existing nonconformities and result in site improvements that are in the public interest. However, those improvements would not extend to parking standards.

### **IN COMPLIANCE**

7. *Existing nonconforming uses of other property not 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.*

Existing nonconforming uses of other properties are not the basis of this request.

### **IN COMPLIANCE**

#### **Concurrency Facilities and Other Utilities or Service (Section 108-233):**

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

#### **The Planning Board shall make factual findings regarding the following:**

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

Staff has found that the standards established by Section 90-395 of the City Code have not been met by the applicant.

2. *That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.*

At this time staff is not aware of any objections expressed by neighbors.

#### **Recommendation:**

The variance request to minimum parking standards does not meet all the criteria stated in Section 90-395. Therefore, the Planning Department recommends that the request for a variance for the required 240 vehicle parking spaces and 60 bicycle parking spaces be **denied**.

If the Planning Board chooses to approve the variances, the Planning Department recommends the following conditions:

**General Conditions:**

1. The applicant shall obtain approval for, and meet the conditions of, the proposed major development plan for 711 Eisenhower listed as Agenda Item 5 on the August 15, 2024 Planning Board Agenda.
2. This resolution waives parking requirements for 93 vehicle spaces for restaurant use; 145 vehicle spaces for marina use, and 2 vehicle spaces for residential use. This resolution waives 40 of the required bicycle parking spaces.
3. The applicant shall provide 20 bicycle parking spaces on-site.