

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING/DENYING A REQUEST FOR A MAJOR DEVELOPMENT PLAN AND LANDSCAPE WAIVER TO ALLOW FOR THE REDEVELOPMENT OF A MARINA LOCATED AT 711 EISENHOWER DRIVE (RE# 00023130-000000, 00072082-002900, & 00072070-000000), INCLUDING THE DEMOLITION OF EXISTING DRY STORAGE BOAT RACKS AND OUTBUILDINGS, THE CONSTRUCTION OF NEW BOAT RACKS AND A RESTROOM FACILITY, SEAWALL REPAIR, MAINTENANCE DREDGING, AND A LANDSCAPE WAIVER INCLUDING A REDUCTION OF MINIMUM LANDSCAPE BUFFER REQUIREMENTS FROM 30 FEET TO 9 FEET FOR PROPERTY LOCATED IN THE GENERAL COMMERCIAL, CONSERVATION, AND PUBLIC AND SEMI-PUBLIC SERVICES ZONING DISTRICTS, PURSUANT TO SECTIONS 108-91, 108-517 AND 122-32 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91(B)(2)(d) of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that any development located within tidal waters extending 600 feet seaward of the corporate city limits shall require major development plan approval; and

WHEREAS, Section 108-91(B) provides that major development plan approval is required for the addition of outdoor commercial storage equal to or greater than 5,000 square feet; and

WHEREAS, the proposed redevelopment of upland real property and submerged lands located at and near 711

Eisenhower Drive (RE# 00023130-000000, 00072082-002900, & 00072070-000000) includes development within tidal waters and the addition of outdoor commercial storage greater than 5,000 square feet; and

WHEREAS, an application for a Major Development Plan and Landscape Waiver for property located at and near 711 Eisenhower Drive proposes redevelopment of a legally nonconforming marina, including: the demolition of existing dry storage boat racks and outbuildings; the construction of new boat racks and a restroom facility; stormwater, landscaping, and other site improvements; seawall repair; maintenance dredging; and a landscape waiver including a reduction of minimum landscape buffer requirements from 30 feet to 9 feet; and

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions, or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, this matter came before the Planning Board and was recommended for approval by the Planning Board at a duly noticed public hearing September 19, 2024 via Planning Board Resolution 2024-032; and

WHEREAS, the request for Final Landscape Plan approval was issued in the affirmative by the City Urban Forester via

a memorandum dated September 30, 2024;

WHEREAS, pursuant to Section 108-197 the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the land development regulations and based on the intent of the land development regulations and comprehensive plan; and

WHEREAS, this matter came before the City Commission in a duly noticed public hearing on _____, 2024; and

WHEREAS, the City Commission finds that the granting of the Major Development Plan with a Landscape Waiver is consistent with specific development review criteria contained in the land development regulations and based on the intent of the land development regulations and comprehensive plan; and

WHEREAS, the City Commission finds that granting approval of the Major Development Plan with a Landscape Waiver is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the above recitals are incorporated

by reference as if fully set forth herein.

Section 2: That the Major Development Plan to redevelop a nonconforming marina at property on and near 711 Eisenhower Drive, including demolition of existing dry storage boat racks and outbuildings; the construction of new boat racks and a restroom facility; stormwater, landscaping, and other site improvements; seawall repair; maintenance dredging; and a landscape waiver including a reduction of minimum landscape buffer requirements from 30 feet to 9 feet, as shown in the attached site plans is hereby approved with the following conditions pursuant to Sections 108-91 and 108-198 of Code of Ordinances:

General Conditions:

1. The approval is subject to the parking variance approved pursuant to Planning Board Resolution 2024-031.

2. Maintenance dredging and seawall repair shall be consistent with the attached plans by Glen Boe and Associated, Inc, dated July 7, 2023, and shall meet the permit conditions issued by the Florida Department of Environmental Protection, Army Corps of Engineers, and South Florida Water Management District.

3. Upland development including site work and boat rack construction shall be consistent with the attached plans by Weiler Engineering Corporation, signed and sealed on June 13, 2024 by Michael Giardullo.

4. The construction of restrooms shall be consistent with the attached plans by Architectural Alliance Architecture, signed and sealed May 15, 2024 by Pete Meador Ebersolo.

5. Landscaping shall be installed in accordance with the attached plans by Architectural Alliance Landscape, signed and sealed June 25, 2024 by Hugh Johnson. The applicant shall meet the specifications and criteria for plant materials, installation, and maintenance identified in Section 108-481 and Section 108-482 of the LDRs. Pursuant to Section 108-416, grass, ground cover, shrubs, and other landscaping materials shall be used to treat all ground not covered by building, paving, or other structures. Installation shall comply with Sec. 108-452. - Required sight distances for landscaping adjacent to public rights-of-way and points of access.

6. During the course of construction, the contractor is not permitted to directly discharge into the storm drain. The applicant shall coordinate dewatering activities through the Utilities Department. Dredged material and effluent shall

not be discharged into outstanding waters and shall be disposed of in an approved off-site facility.

7. A turbidity barrier shall be deployed throughout the course of construction and shall remain until the project is completed and the site returns to ambient levels.

8. The restroom building sanitary sewer connection may not go into the grease interceptor. Connection to the sanitary sewer lateral must be downstream of the grease interceptor.

9. Solid waste storage areas must be screened from adjacent properties and rights-of-way.

10. The applicant shall coordinate with the Utilities Department regarding the replacement of the City stormwater outfall pipe. The pipe shall be replaced using material specifications provided by the Utilities Department. The applicant shall grant the City an easement in a form acceptable to the City Attorney for the purpose of providing the City the ability to access, repair, and maintain the existing stormwater pipe.

11. The property owner shall be responsible for removing boat racks from the City-owned parcel upon termination of the lease.

12. The applicant shall meet the manatee protection criteria identified in Section 110-186.

13. Boat maintenance and cleaning activities shall be located as far as possible from open waterbodies in order to reduce contamination of waterbodies by toxic substances common to boat maintenance. Runoff from boat maintenance must be collected and treated prior to discharge.

Conditions required prior to issuance of a Building Permit

14. The applicant shall provide a complete stormwater management plan which shall be reviewed and approved by the City stormwater engineer. The plan shall meet the criteria identified in Chapter 108, Article VIII of the Land Development Regulations (the "LDRs") and Section 110-187, which provides that no new point-source pollution shall be permitted to discharge into ocean, gulf, and nearshore waters. The stormwater management plan shall comply with Comprehensive Plan Policy 4-1.1.1, including the provision that stormwater facilities which directly discharge into Outstanding Florida Waters shall provide an additional treatment pursuant to Section 62-25.025 (9), Florida Administrative Code.

15. The applicant shall provide a soil erosion and sediment control plan that includes a stormwater pollution

prevention plan. The plan shall be provided to and approved by the City stormwater engineer.

16. The applicant shall obtain and provide to the City all necessary permits from federal, state and regional agencies, including the South Florida Water Management District, Florida Department of Environmental Protection, and the Army Corps of Engineers.

17. The applicant must satisfy the public art requirements of Section 2-487.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

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 shall be rendered to the Florida Department of Commerce (DOC). Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 45-day review period, the DEO 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.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2024.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Danise Henriquez	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Donald "Donie" Lee	_____
Commissioner Clayton Lopez	_____

DANISE
HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK