

RESOLUTION NO. 24-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, [GRANTING/DENYING] A MAJOR MODIFICATION TO A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE FOR PROPERTY LOCATED AT 2407 N. ROOSEVELT BLVD (RE# 00002280-000100) IN THE CONSERVATION ZONING DISTRICT PURSUANT TO SECTIONS 108-91(C) (3), 122-63(E), AND 122-129 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(c) (3) of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that modifications to Major Development Plans that exceed those treated as administrative or minor modifications shall be treated in the same manner as the original approval; and

WHEREAS, Section 122-63(e) provides that revisions or additions to a Conditional Use shall be reviewed based on the criteria of Section 122-62(b) and (c), and the procedures governing such reviews shall be identical to the procedures identified for the respective development plan which are presented in article II of chapter 108; and

WHEREAS, City Commission Resolution 2014-316 approved a Major Development Plan and Conditional Use to allow for the construction and use of a dockage located at 2407 N. Roosevelt Boulevard in the Conservation zoning district; and

WHEREAS, the subject property at 2407 N. Roosevelt Boulevard (RE# 00002280-000100), is more particularly described in the unity of title recorded in Book 3233, Page 920 of the official records of the Clerk of the Circuit Court of Monroe County, Florida, is located in the Conservation zoning district, and

WHEREAS, the property owner has submitted a request to modify the conditions of the Major Development Plan and Conditional Use approval to allow the length of vessels permitted to utilize the dock facility to be increased from thirty (30) feet to forty (40) feet, and to allow for the regular mooring of charter vessels at the dock facility;

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 and was recommended for approval by the Planning Board at a duly noticed public hearing on December 12, 2023; and

WHEREAS, pursuant to Section 108-91(c)(4), the City Commission shall review and act upon major modifications and modifications to specific conditions of major development plans,

WHEREAS, the City Commission finds that the granting of a

modification to the Major Development Plan and Conditional Use application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City Commission finds that the granting of the modification to a Major Development Plan and Conditional Use application 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 City Commission grants approval of the application for a Major Modification to the Major Development Plan and Conditional Use approved pursuant to City Commission Resolution 14-316, with the following conditions:

The conditions of City Commission Resolution 14-316 are hereby amended and restated as follows (added language is underlined, deleted language is ~~struck through~~):

Conditions to be completed prior to the issuance of a building permit:

1. The Applicant receives all necessary permits from relevant State and Federal Agencies.
2. In addition to the existing on-site parking the Applicant shall make available twenty (20) exclusive parking spaces for use in association with the proposed development. Confirmation that said additional parking spaces are available for the proposed development shall be presented to the Planning Department prior to the issuance of any building permit, land clearing permit, or any permit required for physical furtherance of the proposed development. The City of Key West Attorney shall review any parking easement agreement between applicant and any property owner which is in furtherance of the above stated to ensure compliance with City of Key West Code Sec. 108-576(a).
3. If the construction project exceeds \$500,000, the Applicant shall obtain approval of a Public Art Plan from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.
4. The Applicant shall obtain the proper permits for any trimming of mangroves during construction of the project.

Conditions to be completed prior to the issuance of a Certificate of Occupancy:

5. On-site artwork shall be installed and inspected by the City pursuant to Section 2- 487.

6. The Applicant coordinates with the U.S. Coast Guard to provide and maintain navigational markers from the docking basin to open water.
7. All lighting complies with "dark sky" or equivalent program on the docks themselves.
8. The Applicant will provide sewage pump-out facilities for all boats, with pump-out facility accessible 24 hours a day to all vessels of any length.
9. The Applicant shall provide the parking lot landscaping required by LDR Section 108-414(b) as evidenced by a landscape plan prepared by a licensed landscape architect and reflective of the conceptual design contained in the email to the Planning Department on July 8, 2014.
10. The onsite parking lot shall be striped and the driveway to said parking stalls, appropriately marked.
11. The clear site triangle for the accessory to North Roosevelt Boulevard shall be maintained clear of obstruction as per City Code.
12. The Applicant shall install the hose cabinets, standpipes and other fire suppression and alarms as required by the City Fire Marshall.
13. The parking lot on site shall be restriped to provide standard size stalls required by City Code, including two handicapped stalls.
14. There shall be no other commercial use of the marina area or parking lot, nor shall the development plan or conditional use authorize the change of the existing legally non-conforming uses to any other commercial use. The existing legally nonconforming office use on the property may be continued as

office space for the dockage, subject to the restrictions in Condition 25 of this Resolution and in accordance with the Land Development Regulations.

15. There shall be no boat storage of any kind on the upland portions of the site inclusive of the parking lot.
16. The Applicant shall provide a fire department hammerhead turn-around as required by code.
17. The Applicant shall provide a letter from structural engineer determining the hammerhead access road in close proximity of the water line can safely handle the total weight of our fire department trucks.
18. The Applicant shall provide a secondary emergency egress walkway for emergency purposes only, approved location and specifications are addressed in the Fire Access Site Plan (Sheet Number: C-7.0).

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22 subject to an associated annual inspection:

19. The applicant maintains a Florida Department of Environmental Protection Clean Marina Designation.
- ~~20. There shall be no use of the marina for charter boats of any kind, including active or passive docking of charter vessels.~~
Use of the dock by charter vessel establishments shall be limited to a maximum of six charter vessels with a maximum of six passengers each.
21. There shall be no boat ramp, or automobile or hoist assisted boat launching of any type.

22. There shall be no storage of boat trailers on any part of the site, nor in any of the parking spaces on site, or in leased areas.

23. No vessel longer than ~~thirty (30)~~ forty (40) feet, nor any vessel with draft of more than three (3) feet shall be docked, or allowed to use the marina.

24. There shall be no slips outside the mangrove fringe (per revised site plans dated October 22, 2014).

General Conditions:

25. The total commercial floor area on the upland shall be reduced from 6,914 square feet to a maximum of 948 square feet, limited to use as office space for the dockage. This condition does not represent review or approval of physical modifications to the existing upland structure, but functions to confirm that the legal nonconforming office use has not been abandoned at this time.

Section 3. Full, complete and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof, pursuant to Section 108-203 of the Land Development Regulations.

Section 4. This Major Development Plan and Conditional Use application approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. 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. 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 DEO 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.

Read and passed on first reading at a regularly scheduled

meeting held this 11th day of January, 2024.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2024.

Filed with the Clerk the _____, 2024.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman

Commissioner Lisette Carey _____

Commissioner Mary Lou Hoover

Commissioner Clayton Lopez _____

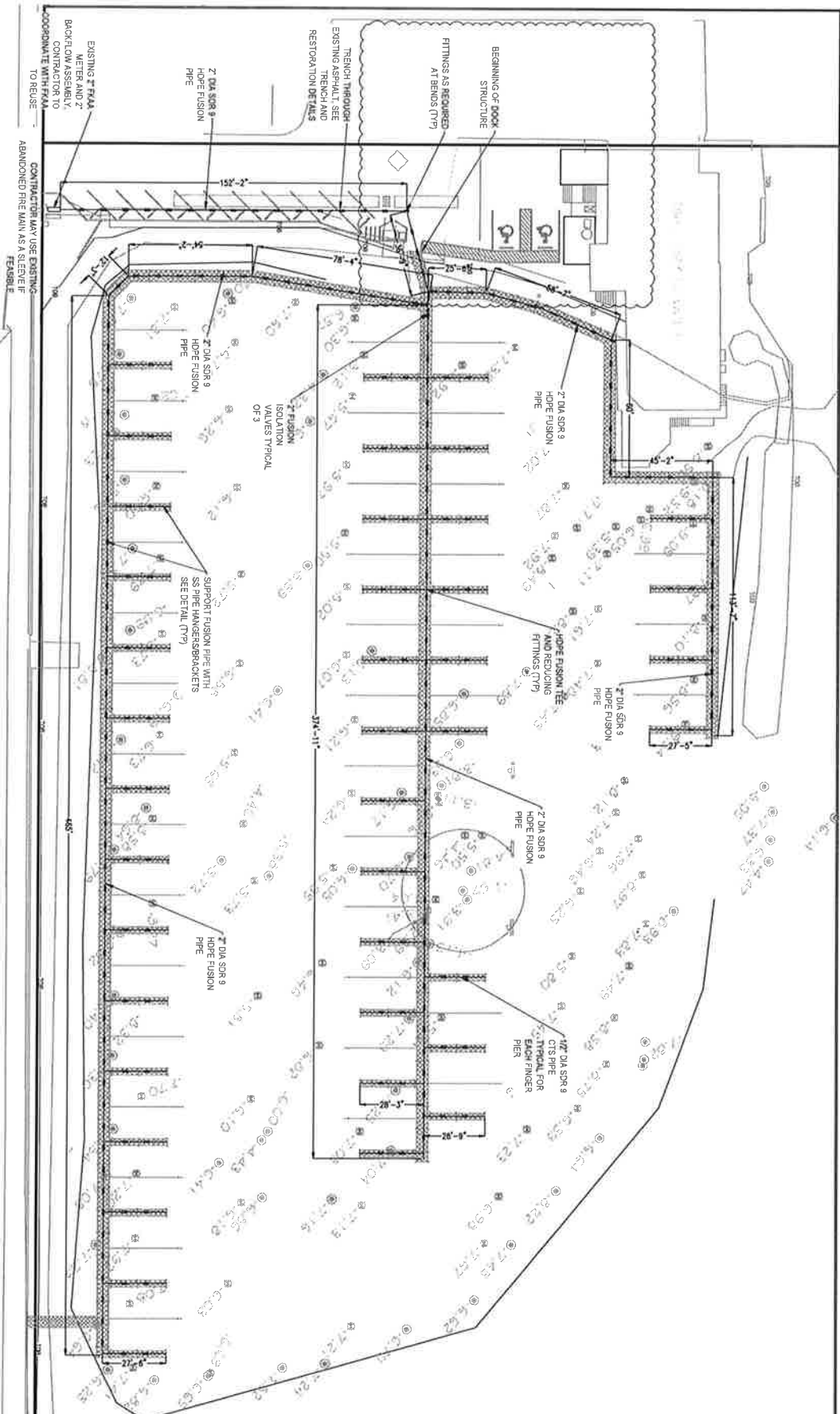
Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK



PROPOSED

SCALE 1"=30'



GRAPHIC SCALE
(IN FEET)
1" = 10' 0" 20' 30'

<p>Standard Specification C-2.0 Date: MAY 13, 2020</p>	<p>Title POTABLE WATER PLAN</p>	<p>Revision 1. R.A. Harrison A. M.E.T.</p>	<p>Drawn By Checked By Project No. Scale ABN 0002 Associated File No.</p>	<p>MARINA 2407 NORTH ROOSEVELT BLVD KEY WEST, FL</p>	<p>General Notes</p>		<p>Northrup Engineering LLC 2407 North Roosevelt Blvd Key West, Florida 34240 AUTOMATICALLY ARCHIVED</p>
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